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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 970/2017

RABIA KAUSAR & ANR. Petitioner

Through: Mr. Deepak, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondent

Through: Mr. Rajat Katyal, APP with SI
Sanjeev, PS OIA
Ms. Veena Kalra for R-2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

14.03.2017

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Issue notice. Notice is accepted on behalf of the State. Respondent no.2 is present with her counsel and accepts notice. The I.O. is also present and identified respondent No.2.

The petitioner has preferred the present writ petition to seek the quashing of FIR 423/2016 registered at PS Okhla Industrial Area under Section 406/34 IPC. The petition is premised on a settlement arrived at with respondent No.2. Under the settlement, the petitioner has agreed to make a payment of Rs.58.55 lacs to respondent No.2. Out of the said amount, respondent No.2 has received and she acknowledges the receipt of Rs.32.50 lacs plus Rs.13 lacs i.e. Rs.45.50 lacs.

The petitioner has deposited Rs.13 lacs in this court in the name of the Registrar General in terms of order dated 26.09.2016 passed in Bail Appl no.1980/2016 and 1971/2016. By the said order, the amount of Rs.26 lacs

was directed to be deposited in two instalments. However, the first instalment alone has been deposited.

Under the settlement, the parties have agreed that the said amount of Rs.13 lacs deposited by the petitioner in this court be also released to respondent No.2.

Petitioner no.1 is present in court and she states that she has no objection to the release of the said amount in favour of respondent No.2 in terms of the settlement. Respondent No.2 states that she has arrived at the said settlement and she also joins the prayer for quashing of the FIR in question and the proceedings arising therefrom.

The petitioner who is present in court states that to atone for the conduct of the petitioners, they shall also pay such costs as this court may deem appropriate.

Accordingly, no useful purpose would be served in proceeding further with the FIR in question and the proceedings emanating therefrom. The same are hereby quashed subject to deposit of costs of Rs.25,000/- with the Prime Minister's National Relief Fund. The costs be deposited within three weeks. The receipt of payment of costs be provided to the I.O. and whereafter the case shall be closed.

The amount of Rs.13 lacs along with accrued interest be released to respondent No.2 forthwith.

All interim orders passed in the present case stands vacated. Dasti.

VIPIN SANGHI, J

MARCH 14, 2017

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