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

+ **CRL.M.C. 1820/2016**

RUNGTA IRRIGATION LTD.

..... Petitioner

Represented by: Mr. Vipin Sanduja and Ms. Shilpi
Chaudhary, Advocates with petitioner
No.2 in person.

versus

STATE & ORS

..... Respondents

Represented by: Mr. Ashok K. Garg, APP for the State
with Inspector Ramesh Lamba, New
Delhi Dist. And SI Sohan Lal, PS
Prasad Nagar.
Ms. Rachitta Priyanka Rai, Advocate
for respondent Nos. 2 to 5 with Sunil
Rungta, authorised representative of
respondent No.3/Patriot and Rajesh
Kumar, Director of Vijyant, Pushpak
and Annapurna in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.02.2017

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By the present petition the petitioners seek quashing of FIR No. 90/2010 under Sections 406/420/468/471/120B IPC registered at PS Prasad Nagar, Delhi on the complaint of Respondent Nos.2 to 5 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from the Investigating Officer submits that in the above noted FIR the petitioner No.1 the company

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and petitioner No.2 its Managing Director, are the only accused and respondent Nos. 2 to 5, the four companies are the complainant. A common complaint was filed by the respondent No. 2 to 5 M/s Vijyant Transport India Pvt. Ltd. (in short 'Vijyant'), Patriot Transport Pvt. Ltd. (in short 'Patriot'), Pushpak Transport (I) Co. Pvt. Ltd. (in short 'Pushpak') and Annapurna Coal Carrier Pvt. Ltd. (in short 'Annapurna') respectively against the petitioners.

Authorisation vide the resolution of Board of Director in favour of Sunil Rungta has been filed by Patriot, copy whereof is at page 112 of the present paper-book. Authorisation in favour of Rajesh Kumar, Director of Vijyant, Pushpak and Annapurna has been placed on record at pages 113, 114 and 115 of the paper-book.

Sunil Rungta and Rajesh Kumar are present in Court and are identified by the learned counsel and the Investigating Officer. They state that they have settled the matter with the petitioners, that is, petitioner No. 1 Rungta Irrigation Ltd. the company and petitioner No.2 Mahabir Prasad Runga, its Managing Director vide Memorandum of Understanding dated 9th September, 2014, copy whereof is at pages 104 to 108 of the paper –book. As per the settlement all disputes between the parties were referred to the sole arbitrator Shri B. N. Roy and the parties entered into a settlement during the course of the proceedings before the learned Arbitrator. Parties also decided not to pursue the above noted FIR and the proceedings pursuant thereto. Sunil Rungta, on behalf of Patriot and Rajesh Kumar on behalf of Vijyant, Pushpak and Annapurna state that since the complainants have settled the matter with the petitioners they do not want to pursue the above-

mentioned FIR and the proceedings pursuant thereto.

Mahabir Prasad Rungta for himself as petitioner No.2 and as Managing Director of Petitioner No.1 who is present in Court and is identified by the learned counsel affirms the statement of Sunil Rungta and Rajesh Kumar, authorised representatives of respondent Nos. 2 to 5 and states that he will abide by the terms of the settlement arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings and the continuance thereof would be an abuse of the process of court. It would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 90/2010 under Sections 406/420/468/471/120B IPC registered at PS Prasad Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Petitioner No.2 on his behalf and on behalf of petitioner No.1 company, Sunil Rungta and Rajesh Kumar, authorised representatives of respondent Nos. 2 to 5 have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 09, 2017/‘vn’