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

+ CRL.M.C. 2032/2016 and Crl. M.A. No. 8596/2016 (Stay)

MRITUNJAI KUMAR & ORS

..... Petitioners

Represented by: Mr.Himanshu Tyagi, Advocate
with petitioners in person.

versus

GEETA ARORA

..... Respondent

Represented by: Mr. Vishal Bhatnagar,
Advocate with respondent in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

21.03.2017

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1. By the present petition the petitioners seek quashing of Complaint Case No. 1105/1/14 titled as Geeta Arora vs. Unibera Developers Pvt. Ltd. & Ors. and the proceedings pursuant thereto on the ground that the parties have settled the matter before the Lok Adalat held on 9th April, 2016.

2. In the above noted complaint case two petitioners Mritunjai Kumar and Fayyaz Quresh were summoned as accused besides the company M/s Unibera Developers Pvt. Ltd. who all have been impleaded as petitioners in the present petition. As per the complaint the only complainant is the respondent Ms. Geeta Arora and no other person is involved.

3. Respondent who is present in Court and is identified by the learned counsel states that having received the amount pursuant to the settlement she

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does not wish to pursue the complaint case No. 1105/1/2014 pending before Shri Arvind Bansal, Metropolitan Magistrate, South-East-05, Saket Courts, Delhi and the order dated 30th April, 2016 summoning the petitioners as accused. She states that since she has received the amount with interest she has foregone her claim of a flat from M/s Unibera Developers Pvt. Ltd.

4. Petitioner No.1 Mritunjai Kumar on his behalf and on behalf of the petitioner No.3 company M/s Unibera Developers Pvt. Ltd., duly authorised by the Board Resolution dated 16th May, 2016, copy whereof is annexed at page 58 of the paper book and petitioner No. 2 Fayyaz Quresh are present in Court and are identified by the learned counsel. They affirm the statement of respondent and state that they have entered into a settlement with the respondent and returned the money with interest to the respondent.

5. In view of the fact that the parties have amicably settled their dispute of their own free will, volition and without any coercion, no useful purpose will be served in continuance of the proceedings, rather the continuance of the same would be an abuse of the process of the court. Thus it would be in the interest of justice to quash the abovementioned complaint case and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

6. Consequently, Complaint Case No. 1105/1/14 titled as Geeta Arora vs. Unibera Developers Pvt. Ltd. & Ors. and proceedings pursuant thereto pending in the Court of Shri Arvind Bansal, learned Metropolitan Magistrate, South-East-05, Saket Courts, Delhi are hereby quashed.

7. Petitioner No.1 Mritunjai Kumar on his behalf and on behalf of the petitioner No.3 company M/s Unibera Developers Pvt. Ltd., petitioner No. 2

Fayyaz Quresh and respondent have signed this order sheet in acknowledgment of their statements made before this Court.

8. The petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 21, 2017

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