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

+ CRL.M.C. 2429/2016

VIJAY GAUTAM

..... Petitioner

Represented by: Mr. Yogesh Kumar, Adv. with
petitioner.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Mr. Ravi Nayak, APP.
Mr. Manmohan Yadav, Adv.
for R-2 with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.02.2017

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1. By this petition, the petitioner seeks quashing of complaint and order dated 9th September, 2014 passed learned Chief Metropolitan Magistrate, Dwarka summoning the petitioner as an accused in complaint case No.85/01/14 and all proceedings emanating therefrom on the basis that parties have settled the matter.
2. In complaint case No.85/01/14 titled as Permanand Sharma Vs. Rajender Gautam & Ors., the petitioner was summoned along with one co-accused Rajender Gautam for offences punishable under Sections 420/467/468/471/120-B IPC. Rajender Gautam, the co-accused filed a petition being Crl.M.C. 4462/2014 before this Court seeking quashing of the summons and complaint as noted aforesaid on the basis of settlement which was allowed by this Court on 30th October, 2015.
3. Respondent No.2 Permanand Sharma who is present in Court and identified by learned counsel states that he has settled the matter both with

Rajender Gautam and Vijay Gautam and he does not wish to pursue the complaint and proceedings pursuant thereto against Vijay Gautam as well, as he has entered into a settlement with him vide settlement agreement dated 18th April, 2016 copy whereof is annexed at pages 96 to 98 of the paper book. The petitioner who is present in Court and identified by learned counsel affirms the statement of respondent No.2 and assures that he would abide by the terms of settlement arrived at between the parties.

4. As the parties have settled the matter of their own free will, volition and without any coercion, no useful purpose will be served in continuing with the complaint case No. 85/01/14 and proceedings emanating therefrom. There is no legal impediment in quashing the aforesaid complaint.

5. Consequently, the complaint case No. 85/01/14 under Sections 420/467/468/471/120-B IPC, the order dated 9th September, 2014 summoning the petitioner for the offences noted above and the proceedings pursuant thereto are hereby quashed.

6. The petitioner and the respondent who are identified by their respective counsel have signed the order sheet in acknowledgment of their statements made before this Court.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 13, 2017
‘v mittal’