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

+ W.P.(CRL) 1315/2017

SHIV KUMAR AGARWAL & ORS.

..... Petitioners

Through: Mr. Amit Bhatia, Advocate along with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Kamna Vohra, ASC for the State
with Insp. Prem Kumar, DIU/NW, Delhi.

Mr. Arun Kumar Verma, Advocate for R-2 along
with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **27.07.2017**

1. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No. 44/2016, registered on 12.01.2016 with PS Shalimar Bagh, Delhi, under Section 409/420/34 IPC, which is registered on the complaint of the respondent no. 2.
2. It is submitted that the respondent no. 2 has invested various amounts since 2005 till October, 2014 totalling to Rs.13,50,000/- with the petitioner no. 4 company of which the petitioner no. 1 to 3 are the Directors.
3. Learned ASC submits that the charge sheet in the matter has so far not been filed since the matter is still under investigation.

4. It is submitted that on 27.03.2017, the petitioners and the respondent no. 2 have amicably resolved all their disputes by which the petitioners have agreed to pay a total sum of Rs.12,00,000/- to the respondent no. 2/complainant in full and final settlement of his all claims. It is also agreed that the respondent No.2 shall make statement to quash the FIR.
5. The petitioners had already paid a sum of Rs.5,00,000/- by way of DD No. 088282 dated 07.10.2016, a sum of Rs.5,00,000/- by way of DD No. 088306 dated 14.10.2016 and a sum of Rs.2,00,000/- by way of DD No. 088299 dated 13.10.2016, all drawn on Indian Overseas Bank, Delhi, before signing of the settlement agreement dated 27.03.2017.
6. The respondent no. 2 present in court submits that all the Demand Drafts of Rs.12,00,000/-, which he had received from the petitioners were deposited and honoured. It is submitted by the petitioners present in person and the respondent no. 2 through their respective counsels that nothing is due and recoverable by them against each other. The respondent no. 2, confirms that he had willingly settled the matter with the petitioners without any force or coercion. He further submits that since he had received the entire settlement amount, he does not want to pursue the FIR. He requests that FIR may be quashed.
7. In these circumstances, when the matter has been amicably settled between the parties and no purpose would be served in further pursuing with the FIR bearing No. 44/2016, registered on 12.01.2016 with PS Shalimar Bagh, Delhi, under Section 409/420/34 IPC.

Hence, to secure ends of justice, the FIR bearing No. 44/2016, registered on 12.01.2016 with PS Shalimar Bagh, Delhi, under Section 409/420/34 IPC and proceedings arising out of the same are hereby quashed.

8. The petition is disposed of.

VINOD GOEL, J.

JULY 27, 2017
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