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

+ W.P.(CRL) 2755/2016 & CRL.M.A.14668/2016 (stay)

ASHOK KUMAR SIROHI & ORS Petitioners

Through: Mr.Anurag Ahluwalia, Mr.Arjit
Mazumdar & Mr.Krishna Datta
Multani, Advocates
Petitioners in person.

versus

STATE OF NCT OF DELHI & ORS Respondents

Through: Ms.Purnima Malik, Adv.
for Mr.Avi Singh, Advocate with
SI Madhurendra Kumar, PS EOW
Mr.Samar Singh Kachwana &
Ms.Surbhi Sharma, Advocates for
R-2 & R-3 with R-2 & R-3 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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12.12.2017

1. By way of this writ petition filed under Article 226 of the Constitution of India, read with Section 482 Cr.P.C. the petitioners are praying for quashing of FIR No.115/2016, under Sections 409/420/120-B IPC, registered at PS Economic Offence Wing, Delhi and all consequential proceedings arising therefrom.

2. Briefly stating the facts of the present case, FIR No.115/2016 has been registered on the complaint of respondent No.2 against the petitioners

due to certain disputes and differences that arose between the parties in performance of their respective reciprocal obligations under the Memorandum of Understanding dated 21st August, 2015 and Share Purchase Agreement dated 21st August, 2015.

3. Learned counsel for the petitioners submit that respondent Nos.2 & 3 and the petitioners have voluntarily arrived at an amicable settlement out of their free will and consent without any force, compulsion and coercion and have agreed to resolve all their disputes and difference. Accordingly on 15th July, 2016, petitioners and respondent Nos. 2 & 3 have entered into Deed of Settlement. Copy of the Deed of Settlement dated 15th July, 2016 is annexed with the petition as Annexure P-4.

4. Thereafter the petitioners and respondent Nos. 2 & 3 have signed an Amendment to Deed of Settlement. Copy of the Amendment dated 28th July, 2016 is also annexed with the petition Annexure P-5.

5. Learned counsel for the petitioners prays that since parties have arrived at an amicable settlement, no useful purpose would be served by continuing the criminal proceedings against the petitioners, hence FIR in question and the proceedings emanating therefrom may be quashed.

6. Respondent Nos.2 & 3 are present in the Court today and confirms the factum of amicable settlement with the petitioners. They also state that they have no objection if the FIR in question and all consequent proceedings arising therefrom are quashed.

7. On behalf of the State, learned APP submits that currently the trend emerging is to initiate criminal proceedings to pressurize the other party to make the payment/settle the dispute in order to avoid arrest and prosecution. Thus, the complainant party is able to get the recovery effected without filing any civil suit or paying any court fee and in fact execution takes place

on a non-existent decree so some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery virtually as a recovery agency.

8. Learned counsel for the petitioners as well as respondent No.2 submits that they are ready to contribute the amount, considered reasonable by the Court, for the purpose of charity and benefit of that strata of society needing such help.

9. In view of the legal position laid down in ***Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257*** and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court. However, in the facts and circumstances of the case, it is desirable that the parties must be burdened with cost.

10. Accordingly, the petition is allowed and FIR No.115/2016, under Sections 409/420/120-B IPC, registered at PS Economic Offence Wing, Delhi and consequential proceedings arising therefrom are hereby quashed. The parties shall be bound by the terms and conditions of the Deed of Settlement and its Amendment.

11. Petitioners as well as respondent No.2 & 3 are directed to deposit a cost of ₹2 Lakh (₹1 lakh by the petitioners and ₹1 lakh by respondent Nos.2 & 3) with the website bharatkeveer.gov.in within four weeks from today and proof thereof shall be placed on record.

Order *dasti*.

PRATIBHA RANI, J.

DECEMBER 12, 2017

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