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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4223/2016
RAKESH MALHOTRA & ANR

..... Petitioners

Through: Mr.Manoj Taneja and Mr.Dhruva
Bhagat, Advocates with the
petitioners inn person.

versus

STATE & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State.
Mr.Tarun Rana, Advocate for R2 with
Mr.Ranjeet Singh Yadav, GPA of
R2/complainant in person.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
17.01.2017

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This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioners seeking quashing of FIR No.196/2012, under Sections 408/420/468/471/120-B IPC, registered at Police Station Kalkaji, New Delhi and all subsequent proceedings emanating therefrom.

Counsel for the petitioners has submitted that the petitioner No.1 Rakesh Malhotra was employed with M/s. Rico Auto Industries Ltd., Gurgaon, Haryana and respondent No.2/complainant Mr.Arun Kapur was the Director of the said company. Counsel for the petitioners has further submitted that Smt.Jony Malhotra is the wife of the petitioner No.1. Counsel further submits that during the course of the employment, due to

misunderstanding arisen between the parties, the respondent No.2 got registered an FIR No.196/2012, under Sections 408/420/468/471/120-B IPC, at Police Station Kalkaji, New Delhi against the petitioners at Police Station Kalkaji, New Delhi. Counsel further submits that after the registration of the FIR, the near relatives and friends intervened and the matter has been amicably settled between the parties and pursuant to the said settlement, an amount of Rs.80 lakhs has already been paid to the respondent No.2/complainant in the year 2013 and thereafter nothing is due qua against the petitioners. Counsel further submits that the factum of payment of Rs.80 lakhs has been supported with the order dated 19.12.2013 passed by the learned Addl. Sessions Judge, while granting anticipatory bail to the petitioners in the aforesaid FIR. Counsel further submits that since the matter has been amicably settled/resolved between the parties and the settled/disputed amount has already been paid by the petitioners to the respondent No.2/complainant and nothing remains to be adjudicated further, however, the present FIR is coming as a hurdle in the peaceful life of the petitioners and prays that the aforesaid FIR may be quashed.

Mr.Ranjit Singh Yadav, special power of attorney appointed by the respondent No.2/complainant is present in Court and has been identified by his counsel Mr.Tarun Rana, Advocate and IO Inspector Girish Jain. The attorney of the respondent No.2/complainant admits the factum of amicable settlement between the petitioners and the respondent No.2 and receiving of the settled amount by the respondent No.2/complainant from the petitioners as stated in the order dated 19.12.2013 passed by the learned ASJ. The attorney further submits that he has no objection if the aforesaid FIR is quashed. An affidavit of the attorney Ranjit Singh Yadav is also filed to this

effect and placed on record.

In view of the foresaid facts and circumstances, since the matter has been amicably settled between the parties long back in the year 2013 before the learned ASJ and nothing remains to be adjudicated further, to meet the ends of justice, I deem it appropriate to quash the aforesaid FIR.

Consequently, to meet the ends of justice, FIR No.196/2012, under Sections 408/420/468/471/120-B IPC, registered at Police Station Kalkaji, New Delhi and all subsequent proceedings emanating therefrom are hereby quashed.

The present petition is allowed and stands disposed of accordingly.

Copy of this order be given *dasti* to the parties, as prayed.

I.S.MEHTA, J

JANUARY 17, 2017
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