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

+ W.P.(CRL) 3246/2016

AVTAR SINGH BEDI &ORS.

..... Petitioners

Through: Mr.Neeraj Kumar Gupta, Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for
Mr.Avi Singh, ASC for the State with
W/SI Reena PS Paschim Vihar
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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16.11.2017

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., petitioners are seeking quashing of case FIR No.347/2016 under Section 354 IPC registered at PS Paschim Vihar on the basis of settlement.
2. Respondent No.2/complainant is present in person today in the Court and submits that she does not want to abide by the terms and conditions of the Settlement Deed dated 7th September, 2016 (Annexure-C) and oppose the prayer for quashing of the above mentioned FIR in terms of the above settlement.
3. Learned counsel for the petitioners submits that after the settlement between the parties, the petitioners had complied with their undertaking to

withdraw the complaint by sending a communication dated 7th September, 2016 duly received on 8th September, 2016 at PS Paschim Vihar. Learned counsel for the petitioners further submits that after the complaint was not pressed by the petitioners in terms of the settlement deed, now the complainant/ respondent No.2 is backing out thereby leaving them remediless.

4. The complainant/respondent No.2, who is present in person, does not dispute the settlement deed. She also does not dispute that in terms of the settlement, the petitioners have withdrawn the complaint made to the Police Station Paschim Vihar. But now she is opposing the prayer of the petitioners for quashing of the above mentioned FIR for undisclosed reasons.

5. Since the complainant/respondent No.2 is opposing the prayer of quashing of case FIR No.347/2016 under Section 354 IPC registered at PS Paschim Vihar despite entering into settlement with the petitioners, the writ petition is dismissed. At the same time, the petitioners, who have already complied with their undertaking by withdrawing the complaint made to the SHO cannot be left remediless.

6. In the circumstances, the complaint dated 26th August, 2016 filed by Smt.Neena Bedi, petitioner No.3 herein, which was withdrawn by the petitioners through communication dated 7th September, 2016 on the same day when the settlement deed was executed and received at PS Paschim Vihar on 8th September, 2016 vide receipt No. C.C.T.N S.No.1221 shall stand revived. The same shall be enquired into and taken to its logical conclusion.

7. Order dasti, as prayed.

PRATIBHA RANI, J.

NOVEMBER 16, 2017/ 'pg'