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

+ CRL.M.C. 4066/2016

KULDEEP SINGH

..... Petitioner

Through: Mr.Gurmehar S Sistani, Adv. with
Mr.Samit Khosla and Mr.K.Sunil,
Adv.

versus

STATE & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State
SI Amit, PS-Burari
Mr.Aditya Singla, Adv. with
Ms.Supriya Juneja, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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21.02.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 398/2013, under Sections 406/420/201/506/120-B/34/174A IPC, registered at Police Station-Burari, Delhi and all proceedings emanating therefrom.

Counsel for the petitioner has submitted that the petitioner, Mr.Kuldeep Singh and the respondent No.2, Mr.Yogesh Tyagi were in the business of property dealing and were residing in the nearby locality. He has further submitted that the petitioner and the respondent No.2 used to get help from each other in the property dealing business but later on due to some misunderstanding a dispute had taken place between them, resultantly, the complainant lodged FIR No. 398/2013, under Sections 406/420/201/506/120-B/34/174A IPC at Police Station-Burari, Delhi. He has further submitted that Section 174A IPC was subsequently added which

is not substantive offence and that the substantive offence has already been settled between the parties. He has further submitted that after registration of the FIR qua against the petitioner, the relatives and the friends intervened and the matter has been settled between the parties vide settlement deed dated 26.10.2016. He has further submitted that as per the terms of settlement, the petitioner has already handed over a sum of Rs.40,00,000/- (Rupees Forty Lakhs Only) to the respondent No.2, Mr.Yogesh Tyagi. Learned counsel for the petitioner further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioner. He further submits that the petitioner and the respondent No.2 want to lead peaceful life in near future and since all disputes have been settled between them, the FIR in question and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant Mr.Yogesh Tyagi is present in Court today and has been identified by the Investigating Officer, SI Amit, PS-Burari. The respondent No.2/complainant also admits that the matter has been amicably settled with the petitioner vide settlement deed dated 26.10.2016 and as per the terms of settlement he has already received Rs.40,00,000/- (Rupees Forty Lakhs Only) from the petitioner. He has further submitted that he has no claim or grievance left against the petitioner. He further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. He further submits that he has no objection if the FIR in question is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled between the parties and the terms of settlement deed

dated 26.10.2016 has been acted upon and nothing remains to be adjudicated further on the substantial dispute and Section 174 A IPC is a subsequent section added which is ultimately arising from substantial offence, therefore, in view of the judgment passed in CRL.M.C.1695/2015 titled **Noor Salim Rana & Ors. v. State (Govt of NCT of Delhi) & Anr.** decided on 22.01.2016 and to meet the ends of justice, I deem it appropriate to quash the FIR No. 398/2013, under Sections 406/420/201/506/120-B/34/174A IPC, registered at Police Station-Burari, Delhi, and all proceedings emanating therefrom.

The present petition is disposed of accordingly. Parties to remain bound by the terms of settlement deed dated 26.10.2016

Copy of the order be given *dasti*.

I.S.MEHTA, J

FEBRUARY 21, 2017/radhika