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

+ CRL.M.C. 4188/2016

NITIN RAI

..... Petitioner

Through: Mr.Abhinav Bajaj, Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for State
S.I. Kalicharan Sharma, P.S. Ashok
Vihar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **31.01.2017**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.492/2015, under Section 408 IPC, registered at Police Station Ashok Vihar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner was the Sales Representative of the company, where respondent No.2 is the Director cum Authorized Representative. He further submits that it was under the mistaken notion that the petitioner has misappropriated the fund of Rs.10 lacs (approx.), which resulted into registration of the aforementioned FIR. He also submits that after the registration of FIR, the near friends of the official business intervened and the matter has been amicably settled between the parties vide settlement, which has been reduced into writing on 19.09.2016 and also the petitioner has already handed over Rs.7.5 lacs to the

company/A.R in terms of the said settlement. He 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 and prays that the the FIR in question and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant is present in Court today and has been identified by the Investigating Officer, SI Kalicharan Sharma. The complainant also admits that the matter has been amicably settled with the petitioner. He further submits that the amount of Rs.7,50,000/- has already been received in terms of settlement dated 19.09.2016. He further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion and that he has no objection, if the FIR in question is quashed.

Keeping in view the facts and circumstances of the case and the fact that the matter has been amicably settled between the parties and nothing remains to be adjudicated between the parties and also to have better relationship in the office, the FIR No. 492/2015, under Section 408 IPC, registered at Police Station Ashok Vihar, Delhi and all proceedings emanating therefrom are hereby quashed.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

JANUARY 31, 2017/km