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

+ CRL.M.C. 4687/2016

SACHIN MALHOTRA & ORS.

..... Petitioner

Represented by: Mr. G. Gudipati Kashyap, Adv.
with petitioners.

versus

STATE & ANR.

..... Respondent

Represented by: Ms. Aashaa Tiwari, APP with
SI Rajeev Kumar, SER/Crime
Branch.
Mr. Sandeep Kapur, Adv. for
R-2 with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.04.2017

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By the present petition the petitioners seeks quashing of FIR No.NDD-MM-000052/2016 under Section 380 IPC registered at E-Police Station, Crime Branch, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions submits that in the above noted FIR, three petitioners were named in the FIR and it was also stated that they along with their accomplices committed the theft however during the course of investigation, no other accomplice has been found out and the three petitioners are the only accused and respondent No.2 the only complainant/victim.

Respondent No. 2, who is present in Court and identified by learned counsel and the investigating officer, states that she has settled the matter

with the petitioners vide memorandum of understanding dated 25th November, 2016 copy whereof is annexed as Annexure P-2 at pages 19 to 23 of the paper book. She states that in view of the settlement arrived at between the parties and she is having complied with her part of the settlement, she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. The petitioners who are present in Court and identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of memorandum of understanding dated 25th November, 2016.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. NDD-MM-000052/2016 under Section 380 IPC registered at E-Police Station, Crime Branch, Delhi and proceedings pursuant thereto are hereby quashed, subject to petitioners depositing consolidated costs of ₹10,000/- within four weeks with the Bar Council of Delhi Advocates Welfare Fund.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 18, 2017/‘v mittal’