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

+ **CRL.M.C. 4680/2016**

ASHOK KAPOOR

..... Petitioner

Through

Mr. Chander M. Maini, Mr. Mayank Maini, Advs.

versus

STATE & ANR.

..... Respondent

Through

Mr. Raghuvinder Varma, APP for State with SI Ramesh Chand, PS Nabi Karim.

Mr. M.K. Tripathy, Adv. for R2 with R2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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24.10.2017

CRL.M.A. 19505/2016

CRL.M.A. 19505/2016 is the application filed on behalf of the petitioner seeking exemption from filing certified copies. The same is allowed, subject to just exceptions.

The application is disposed of.

CRL.M.C. 4680/2016

Learned APP for State accepts notice of the petition.

Vide the present petition, the petitioner seeks quashing of FIR No. 282/2007 PS Nabi Karim, registered under Sections 451/380/323/356/506 of the Indian Penal Code, 1860 and also all proceedings pending before the learned Trial Court of MM, Tis Hazari Court, Delhi submitting to the effect that all disputes and differences between the petitioner and the respondent

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no. 2 i.e. the complainant of the said FIR on whose complaint the said FIR was registered stands settled. It has also been submitted on behalf of the petitioner and respondent no.2 that the said settlement has been arrived at pursuant to the orders dated 05.11.2014 of this Court C.R.P. No. 156/2012 in the petition filed by Sh. Randhir Singh Raghuvanshi, the owner of the premises bearing no. 7350/7351, situated at Nabi Karim, Delhi which had been filed against Pradeep Kapoor and Mr. Ashok Kapoor i.e. the instant petitioner pursuant to which it had been directed that the said petition has been disposed of on a consent order that the petitioner thereof Sh. Randhir Singh Raghuvanshi would deposit in this Court a sum of Rs.6.66 lacs within a period of six weeks from the date of the said order and which amount shall be kept by the Registry in a fixed deposit so as to earn maximum rate of interest and both the parties would withdraw the common case in FIR No. 282/2007 PS Nabi Karim, registered under Sections 451/380/323/356/506 of the Indian Penal Code, 1860 filed by Sh. Lokendra Singh Raghuvanshi arrayed as respondent no. 2 to the present petition and on quashing / compromising of the said case, the respondent no. 1 to the C.R.P. 156/2012 i.e. Mr. Pradeep Kapoor the brother of the petitioner Mr. Ashok Kapoor would hand over vacant physical possession of the suit / tenanted premises to the petitioner of C.R.P. 156/2012 i.e. Mr. Randhir Singh Raghuvanshi within a period of four weeks from the said date and that within a period of four weeks of the criminal case being compromised / quashed, the respondent no. 1 i.e. Mr. Pradeep Kapoor of C.R.P. 156/2012 would be entitled to approach the Court to withdraw the amount of Rs.6.66 lacs along with accrued interest, if any for being paid to him.

It has thus been submitted on behalf of the petitioner that the present petition has been filed pursuant to the said directions in C.R.P. 156/2012 and further a submission is made on behalf of the petitioner and the respondent no. 2 that the proceedings in relation to FIR No. 282/2007 PS Nabi Karim, registered under Sections 451/380/323/506 of the Indian Penal Code, 1860 are also subject matter of the present petition have already been quashed in relation to Mr. Pradeep Kapoor, the brother of the petitioner Mr. Ashok Kapoor vide order dated 02.09.2015 in CRL. M.C. 3314/15 and observed to the effect that the said FIR had been registered due to the misunderstanding between the petitioner of the said petition Mr. Pradeep Kapoor, the brother of the petitioner herein Mr. Ashok Kapoor and the respondent no. 2 i.e. the complainant of the FIR in question.

On behalf of the State, the learned APP for the State has submitted that there is a piecemeal quashing of the FIR being sought which it is inappropriate submitting *inter alia* to the effect that there are two other accused persons i.e. Ashok Sahni and Sanjeev Sood in relation to whom the FIR and proceedings in relation thereto would have to continue.

Be that as it may, it is essential to observe that the offences punishable under Sections 451/323/506 of the Indian Penal Code, 1860 in terms of Section 320 of the Criminal Procedure Code, 1973 could have been sought to be compounded by the petitioner before the Trial Court itself. Taking the said aspect into account and the aspect that the FIR in question which is the same FIR as against Mr. Pradeep Kapoor, brother of the petitioner Mr. Ashok Kapoor has already been quashed vide order dated 02.09.2015 in CRL. M.C. 3314/2015 and that furthermore in terms of the orders dated **CRL.M.C. 4680/2016**

05.11.2014 of this Court in C.R.P. No. 156/2012, the respondent no. 1 of the said petition i.e. the brother of the present petitioner is obligated upon to enter into a settlement directed vide the said order, in the facts and circumstances of the instant case, it is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No. 282/2007 PS Nabi Karim, registered under Sections 451/380/323/356/506 of the Indian Penal Code, 1860 against the present petitioner who has sought quashing of the present FIR under Sections 451/380/323/356/506 of the Indian Penal Code, 1860 to prevent any other criminal proceedings between the petitioner and the respondent no. 2 and also taking into account the settlement arrived at between the parties in terms of the proceedings dated 05.11.2014 of this Court in C.R.P. No. 156/2012.

In view thereof, CRL.M.C. 4680/2016 is allowed and FIR No. 282/2007 PS Nabi Karim, registered under Sections 451/380/323/356/506 of the Indian Penal Code, 1860 against the petitioner Mr. Ashok Kapoor s/o Sh. Amar Nath Kapoor and all proceedings in relation thereof pending before the learned Trial Court of the MM, Tis Hazari Court, Delhi are quashed.

Copy of the order be given *Dasti*.

ANU MALHOTRA, J

OCTOBER 24, 2017/MK