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

+ CRL.M.C. 4053/2017 & CrI. M.A. no. 17973/2017

VIRON ATWAL & ANR

..... Petitioner

Through

Mr. Rajat Soni, Mr. Abhimanshu
Dhyani, Mr. Ayush Jain and Mr.
Tushar Thakur, Advs.

Versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through

Mr. M.P. Singh, APP for the State
Mr. Jatin Sharma, Adv. for respondent
nos. 2 and 3 in person with respondent
no. 3 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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23.11.2017

Respondent No.3 Shri Sanjay Kumar Singh is the Authorized Signatory of respondent no. 2. FIR No. 36/2006 under Sections 420/406/120-B IPC was registered at Police Station Prasad Nagar on the complaint of earlier authorised representative, namely, Shri Sanjay Kumar Sharma, filed on behalf of respondent no.2. It was alleged in the FIR that petitioners were partners of M/s. Atwal & Associates. They had taken construction equipments, details whereof have been mentioned in the FIR, from the respondent no. 2 on hire. Rent agreement dated 1st September 2003 was executed. Petitioners' firm was to pay ₹4,93,694/- every fortnight towards rent to the respondent no.2. Neither the rent was paid nor equipments were returned.

After the investigation, charge-sheet has been filed in the court of learned Metropolitan Magistrate under Sections 420/406/174-A/120-B IPC. It is submitted that petitioners and respondent no. 2 have settled their disputes amicably, vide a Settlement Agreement dated 27th November, 2013 before the Delhi High Court Mediation and Conciliation Centre. Respondent no. 3 Shri Sanjay Kumar Singh, Authorized Signatory of respondent no. 2, is present in Court. He admits that respondent no. 2 has settled the matter with petitioners, voluntarily and without any undue force, pressure or coercion. It is further submitted that civil suits have already been withdrawn by the parties, in terms of the settlement.

Keeping in view the settlement arrived at between the petitioners and private respondents before the Mediation Centre, in the interest of justice, FIR No. 36/2006 under Sections 420/406/174-A/120-B IPC registered at Police Station Prasad Nagar and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

NOVEMBER 23, 2017

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