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

+ **W.P.(CRL) 3314/2017 & CRL.M.A.19496/2017**

TARUN SHEKHAR SHARMA

..... Petitioner

Through: Mr.D.K.Singh, Ms.Savita Singh,
Ms.Shanti Ranjan & Mr.Pankaj
Chouhan, Advocates with Petitioner
in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr.Jamal Akhtar, Advocate for
Mr.Rahul Mehra, Std. Counsel for the
State with SI Vineet, PS Anand Vihar
Mr.Rishi Kulshreshth, Adv. for R-2
with respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

27.11.2017

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1. The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C, praying for quashing of FIR No.321/2017, under Sections 406/420/120-B IPC, PS Anand Vihar and the consequential proceedings arising therefrom, on the basis of settlement arrived at between the parties.

2. Briefly stating, the FIR No.321/2017 was got registered by respondent No.2/complainant, alleging that the company named (Beyond Dreans Entertainment Pvt. Ltd.) in the name of Producer Director Yas A Patnaik

and Mamta Patanaik have cheated her in terms of money and by promising to provide her modeling work through and in their company. She had done transactions worth ₹2.20 lakhs on the promise that they will provide her work agreement but she has not received anything. The statement of her bank account shows that the amount is being transferred to Tarun Shekhar Sharma (petitioner herein), Sharita Yadav, Anurag Tiwari and Aitesh Tiwari. She had been promised by the petitioner that money will be returned to her by 22nd January, 2017 but till the registration of this complaint she had not received any amount or information.

3. Learned counsel for the petitioner submits during the hearing before the learned ACMM that the petitioner expressed his willingness to compromise the matter with the respondent No.2/complainant for total amount of ₹3 lakh out of which ₹2.5 lakh was to be transferred in her bank account and remaining ₹50,000/- was to be deposited within 20 days subject to the condition that the respondent No.2 shall cooperate in quashing of the present FIR.

4. Learned counsel for the petitioners submits that as per settlement arrived at between the parties, the petitioner has already paid ₹2.5 lakhs to the respondent No.2/complainant and remaining ₹50,000/- has been paid today in the Court vide Demand Draft No.330426, dated 17th November, 2017, drawn on United Bank of India. Hence in view of the settlement arrived at between the parties and petitioner having made the payment to the respondent No.2/complainant, no useful purpose would be served in prosecuting the petitioners, therefore, the FIR may be quashed.

5. Respondent No.2/complainant is present in person and submits that she has settled the matter with the petitioner and received the amount of ₹2.5

lakhs. She also submits that today she has received the balance amount of ₹50, 000/- by way of demand draft from the petitioner and that she has no objection if the FIR in question and all proceedings emanating therefrom is quashed.

6. On behalf of the State, learned APP submits that currently the trend emerging is to initiate criminal proceedings to pressurize the other party to make the payment/settle the dispute in order to avoid arrest and prosecution. Thus, the complainant party is able to get the recovery effected without filing any civil suit or paying any court fee and in fact execution takes place on a non-existent decree so some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery virtually as a recovery agency.

7. Learned counsel for the petitioners as well as respondent No.2 submits that they are ready to contribute the amount, considered reasonable by the Court, for the purpose of charity and benefit of the strata of society needing such help.

8. Petitioners as well as respondent No.2 are directed to deposit a cost of Rs.25,000/- each with the website bharatkeveer.gov.in within four weeks from today and proof thereof shall be placed on record.

9. In view of the legal position laid down in ***Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257*** and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court. However, in the facts and circumstances of the case, it is desirable that the parties must be burdened with cost.

10. Subject to depositing the cost by the petitioner & respondent No.2 and furnishing the proof thereof, the petition is allowed and FIR No.321/2017, under Sections 406/420/120B IPC, PS Anand Vihar and all the proceedings arising therefrom are hereby quashed.

Order *dasti*.

PRATIBHA RANI, J.

NOVEMBER 27, 2017

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