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

+ **W.P.(CRL) 3346/2017**

VISHAL VASHISTH

..... Petitioner

Through: Mr.Amit Sharma, Mr.Aditya
Bhardwaj & Mr.Vinod, Advocates
with petitioner in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms.Purnima Malik, Advocate for
Mr.Avi Singh, ASC for the State with
ASI Partap Singh PS Nihal Vihar.
Mr.Paranjay Chopra, Advocate for
R-2 alongwith R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.11.2017

CrI.M.A.No.19654/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(CRL) 3346/2017

1. By way of this writ petition filed under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C., the petitioner is seeking quashing of FIR No.661/2017 under Section 406 IPC, PS Nihal Vihar, Delhi.
2. Briefly stating, the case FIR No.661/2017 has been registered on the basis of complaint made by respondent No.2 to the effect that he was doing the work of repairing cars. On 7th October, 2017 at about 11.30 am the petitioner, who was known to him, came to his shop and asked for his (complainant's) car (Toyota Corolla) bearing registration No.DL2FFU-0064 and he allowed the petitioner to take his car. However, the petitioner did not

return his car till 12th October, 2017. He also made several calls to the petitioner on his mobile No.9560174141 but the same remained switched off. He also visited the house of the petitioner but he was not available there. He thus requested for taking legal action against the petitioner. On the basis of this complaint, the FIR in question was registered against the petitioner.

3. Now the instant writ petition has been filed praying for quashing of FIR on the basis of settlement arrived at between the parties.

4. Petitioner is present in person alongwith his counsel. He submits that due to some unavoidable circumstances, he had to rush to Punjab and inadvertently he could not inform the respondent No.2 about the same. The petitioner also submits that he had no ill-intentions and now the car of respondent No.2 has already been returned to him. The petitioner prays for quashing of FIR registered against him.

5. Respondent No.2 is present in person and submits that he has received his car from the petitioner. He also submits that the FIR in question has been registered in haste due to some misunderstanding. Respondent No.2 submits that he has no objection if the FIR in question is quashed.

6. Learned counsel for the petitioner submits that since the parties have settled their dispute amicably, no useful purpose would be served by continuance of criminal proceedings against the petitioner. Learned counsel thus prays for quashing of the FIR and all subsequent proceedings arising out of said FIR qua the petitioner.

7. In the instant case, the FIR has been registered against the petitioner for committing the offence punishable under Section 406 IPC, which is a compoundable offence.

8. In view of the 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 petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

9. Accordingly, the petition is allowed and FIR No.661/2017 under Section 406 IPC, PS Nihal Vihar, Delhi and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs.

Order dasti.

PRATIBHA RANI, J.

NOVEMBER 28, 2017

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