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

+ **W.P.(CRL) 3545/2017**

SAPAN KUMAR MANDAL & ANR Petitioners

Through: Mr.Ahmad Waseem, Advocate with
petitioners in person

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Mr.Mohit Sharma, Advocate for
Mr.Rajesh Mahajan, ASC for the
State/R-1 with Insp.Sanjay Kumar,
PS Janak Puri
Mr.Musarrat Dhausa Husain,
Advocate for R-2 with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.12.2017

CrI.M.A.No.20970/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3545/2017

1. This writ petition has been filed by the Petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of case FIR No.1098/2015 under Sections 420/34 IPC registered at PS Janakpuri, Delhi and the proceedings emanating therefrom on the basis of settlement arrived at between the parties.

2. Briefly stating the facts of the present case are that Respondent No.2 filed a complaint against the petitioners for cheating and fraudulently collecting ₹16 lakhs from him on the pretext that they are opening an office in the name of Adpro Marketing Pvt. Ltd. and investment in that will yield good benefit. The complainant deposited some money in the bank and some in cash but they neither gave him money nor profit. When he asked for the money they gave him cheques, one of which bounced. Later on, it was discovered that both of them have run away from the office by shutting it down. Feeling aggrieved with the conduct of the petitioners, the respondent No.2 filed a complaint against them which resulted into registration of the FIR in question.

3. It is mentioned in the petition that during the pendency of above proceedings, the parties have amicably settled their dispute for a sum of ₹3,50,000/- vide Settlement Deed dated 4th September, 2017 and copy of the same has been annexed with this petition as Annexure P-2.

4. Learned counsel for the petitioners submits that the matter in dispute has been amicably settled and the amount of ₹3,25,000/- has already been given to the respondent No.2. The petitioners have today given the balance amount of ₹25,000/- in cash to the respondent No.2 and the handwritten receipt of respondent No.2 acknowledging the above said amount of ₹25,000/- in cash has been placed on record. Learned counsel for the petitioners further submits that in view of amicable settlement between the parties, no purpose would be served in prosecuting the petitioners and, therefore, the FIR may be quashed.

5. The respondent No.2 is present in person along with his counsel and submits that he has received the settled amount. He further

submits that he has no objection if the FIR in question is quashed qua the Petitioners.

6. In view of the aforesaid 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.

7. Accordingly the petition is allowed and the case FIR No.1098/2015 under Sections 420/34 IPC registered at PS Janakpuri, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

DECEMBER 19, 2017

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