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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 205/2018**
NISHANT ROY @ RAJA

..... Petitioner

Through : Mr C.M.Thapiliyal, Mr S.P.Paul and
Ms Kiran Lata Pal, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ANR

..... Respondents

Through : Mr H.S.Rathore, Advocate with R-2
in person.
Mr Mukesh Kumar, Addl. PP for the
State.
SI Rahul Kumar, PS Kalkaji.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **15.05.2018**

1. Petitioner seeks quashing of FIR No.316/2006 under Sections 457/380/34 IPC, Police Station Kalkaji, based on a Settlement.
2. The allegations in the FIR are that the complainant, who is an owner of a Mother Diary Booth, locked his Mother Diary Booth in the night and in the morning found the locked was broken and cash of Rs.28,760/- and coins of Rs.1260/- and three packets of ghee of 1 kg each were found missing.
3. The charge sheet indicates that the petitioner was arrested as

recovery was made of Rs.450 and one packet of ghee from his house.

4. Learned Additional Public Prosecutor for the State submits that on the night intervenes 2nd & 3rd April, 2006, the co-accused was apprehended while attempting to commit theft in a similar fashion on a shop in an adjoining area and he was accompanied by two more individuals. The co-accused was apprehended on the spot, who, on his disclosure statement, named the petitioner, consequent to which, the aforesaid recovery was made and there was sufficient reason to suspect the petitioner and having committed the suspect offence.

5. The charge sheet indicates that the petitioner was arrested as recovery was made of Rs.450 and one packet of ghee from his house.

6. Learned counsel for the petitioner points out that as per the Charge sheet, the alleged incident happened on the night intervening 1st and 2nd April, 2006 and the recovery is shown on 04.06.2006.

7. Learned counsel for the petitioner submits that without prejudice to the fact that petitioner has been falsely implicated, petitioner entered into a Settlement with the complainant as the proceedings have been pending for over 12 years and petitioner has also suffered incarceration of about seven months and has agreed to pay a total sum of Rs.20,000/-. The entire amount of Rs.20,000/- has been paid to the complainant. Memorandum of Understanding dated 03.01.2018 has been executed between the parties.

8. Respondent No.2/complainant is present in Court in person. He

confirms that the entire amount of Settlement, i.e. Rs.20,000/- has been received by him. He submits that he has no objection to the quashing of the subject FIR and does not wish to press the present complaint.

9. In view of the above and keeping in view of the fact that the parties have resolved their dispute and Memorandum of Understanding dated 03.01.2018 has been executed between the parties and Settlement amount of Rs.20,000/- has been paid and further respondent No. 2 does not wish to press his complaint, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

10. Accordingly, FIR No.316/2006 under Sections 457/380/34 IPC, Police Station Kalkaji and the consequent proceedings emanating therefrom are hereby quashed.

11. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 15, 2018/“§n’