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

+ CRL.M.C. 193/2018 & CrI.M.A. Nos.47608/2018, 776/2018

RAJBIR SINGH

..... Petitioner

Through: Mr.S.C. Singhal, Adv. with petitioner
in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Mukesh Kumar, APP with SI
Naveen , PS Subzi Mandi
Mr.Aly Mirza, Adv. for R-2 with R-2
in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **06.12.2018**

1. Vide the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.97/2002 u/s 420/468/471/120B IPC registered at P.S. Subzi Mandi, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre on 16.04.2015.

2. Learned counsel for the petitioner submits that the petitioner was initially a tenant in the premises bearing House No.RZ/S-35 & S-36, Vishist Park, Pankha Road, New Delhi. After an ex-parte eviction order was passed against him, talks for the sale of the tenanted premises to him were going on between him and the respondent no.2's husband which did not materialise, leading to a

misunderstanding between the parties. In these circumstances, the respondent no.2 made a complaint against the petitioner which led to the registration of the captioned FIR.

3. Learned counsel for the petitioner further submits that the parties have now with the intervention of the Delhi High Court Mediation and Conciliation Centre, resolved all their disputes amicably and all the civil proceedings between the parties stand settled. He also states that the petitioner is willing to pay any costs that may be directed by this Court and, therefore, prays that the captioned FIR and all proceedings emanating therefrom be quashed.

4. The petitioner as also the respondent no.2 are present and have been identified by the Investigating Officer. Learned counsel for the respondent no.2 while disputing the assertion of the learned counsel for the petitioner regarding talks of the property being sold to the petitioner, does not dispute the fact that the parties have resolved their disputes amicably. He also, therefore, prays that the FIR and consequential proceedings be quashed.

5. I have interacted with the respondent no.2, who states that she has resolved all her differences with the petitioner of her own free will and has entered into a settlement with him without any coercion. She states that keeping in view her advanced age of 73 years, she also does not want the aforesaid criminal proceedings to continue any further, as the continuance thereof will cause grave hardship to her in her old age. She, therefore, prays that the captioned FIR and all proceedings emanating therefrom be quashed.

6. On the other hand, Mr.Mukesh Kumar, learned APP opposes

the petition on the ground that the petitioner had tried to forge the documents in issue and, therefore, does not deserve any indulgence from this Court.

7. I have considered the submissions of the learned counsel for the parties and perused the record. What emerges from the record is that the parties have been litigating their disputes for the last three decades, which were initially settled under the aegis of the Delhi High Court Mediation and Conciliation Centre way back in 2015. Thereafter also, some minor differences remained unresolved between the parties, which have now been amicably resolved. Even though there is an allegation of forgery against the petitioner, keeping in view the fact that the original complainant has since expired and his widow/respondent no.2 who is not privy to the said allegations, categorically prays that the criminal proceedings be quashed, no useful purpose will be served in continuing the criminal proceedings. The ends of justice demand that the captioned FIR and all consequential proceedings be quashed.

8. For the aforesaid reasons, the petition is allowed and the captioned FIR and all proceedings emanating therefrom are quashed, subject to the petitioner paying a sum of Rs.1 lakh as costs to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within two weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

9. The petition is disposed of along with the pending applications in the above terms.

DECEMBER 06, 2018/gm

REKHA PALLI, J