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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1091/2014 , CRL.M.A. 3703/2014 & CRL.M.A.
10688/2016

DARSHAN SINGH Petitioner

Through Mr.Abhishek Chauhan, Adv.

versus

THE STATE & ANR Respondent

Through Mr.Raghuvinder Verma, APP with
Mr.Rajesh Shukla, PS Hauz Qazi.

Mr.Atul Kumar Sharma with Mr.Sachin Sangwan,
Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.10.2018

1. Vide the present petition, the petitioner seeks quashing of FIR No.143/2010 u/s 471/468/467/465/420/120B of the IPC registered at P.S Safdarjung Enclave, Delhi and all criminal proceedings emanating therefrom, on the basis of a Memorandum of Understanding (MoU) arrived at between the parties on 12.10.2011.
2. Mr.Abhishek Chauhan, learned counsel for the petitioner submits that in August, 2009 the petitioner due to his legal needs agreed to convey his rights and interest in the residential plot no. B-1/A, Saket, New Delhi to the respondent no.2 for a total consideration of Rs. 4 crores and received a sum of Rs.35,00,500/- (Rupees thirty five lakhs and five hundred). He further submits that the petitioner was under the genuine belief that the said plot will be allotted to him under the beneficiary scheme of the DDA, but the plot was unfortunately not allotted to him leading to the filing of a complaint

by the respondent no.2 which culminated into the registration of the aforesaid FIR.

3. Mr.Chauhan, submits that the parties have now resolved their disputes and entered into the aforesaid Memorandum of Understanding and, therefore, prays that the FIR and all proceedings emanating therefrom be quashed.

4. The petitioner and the respondent nos.2 to 5 are present in Court and have been identified by the Investigating Officer. The respondent no.6 is, however, not present. Learned counsel for the petitioner hands over a copy of the discharge summary of the respondent no.6 issued by Apollo Hospital, Mathura Road, Delhi which prima facie shows that the respondent no.6 was discharged from the said hospital only on 29.10.2018 and is, therefore, not present in Court. Learned counsel for the petitioner submits that he has instructions to appear on behalf of the respondent no.6 and undertakes to place on record his Vakalatnama on behalf of the said respondent within two days.

5. I have interacted with the respondent no.2, who submits that he has settled the matter with the petitioners and the respondent nos.3 to 6 out of his own free will and without any coercion. He further states that he does not want to pursue the aforesaid criminal proceedings as the continuation thereof will cause more hardship to him.

6. I have considered the submissions of the learned counsel for the parties and perused the record. I find that though the allegations against the petitioner and the respondent nos.3 to 6 are serious but the same are basically civil in nature and the parties have already

resolved their differences and, therefore, no useful purpose would be served in continuing with the present proceedings. Interest of justice demands that the FIR and consequential proceedings be quashed.

7. For the aforesaid reasons, the petition is allowed and the captioned FIR is quashed, subject to the petitioners depositing a sum of Rs.1,00,000/- to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank. Delhi, IFSC Code UCBA0001820 within ten days from today. A copy of the receipt will be handed over to the Investigating Officer for production before the Trial Court.

8. The petition alongwith pending applications is disposed of in the above terms.

REKHA PALLI, J

OCTOBER 30, 2018

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