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

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Judgment delivered on: 13.07.2018

+ CRL.M.C. 982/2018

SHRI ARJUN RAO & ANR

..... Petitioners

versus

STATE & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Dr. Kanwal Sapra, Advocate with the petitioners.

For the Respondent: Mr. Raghuvinder Verma, APP for the State.
Mr. Prem Pakash Soni with Mr. Sunil Shehrawat,
Advocates for R-2 to 5 with R-2, 4 & 5 in person.
ASI Tej Ram, PS Najafgarh.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

13.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Learned counsel for the petitioners informs that the petitioner No.2 has since expired.
2. Petitioners seek quashing of FIR No.563/2006 under Sections 420/448/468/471/120B/34 IPC, Police Station Najafgarh.
3. The subject FIR was registered on the complaint that the complainant had sold 200 sq. yards of his property out of 400 yards to

the petitioner No.1 while retaining the plot of 200 sq. yards and, subsequently, it transpired that the petitioner No.1 had broken the wall dividing the two properties and encroached upon their property. It is also stated that several proceedings were initiated for recovery of the possession.

4. Learned counsel for the parties submit that parties have settled their disputes and possession of 200 sq. Yards have been restored to the complainant and is in possession of his family. Parties have entered into a settlement. Memorandum of Understanding dated 01.07.2017 has been executed.

5. The petitioner No.1, who is present in Court in person, undertakes that he has no concern or connection with the remaining 200 sq. yards, which is in possession of the respondent. The undertaking is accepted.

6. Respondent Nos.2, 4 and 5 are present in Court in person. Respondent No.3 is represented by her mother – respondent No.2, who has produced the Special Power Attorney for perusal. The respondent Nos. 2 to 5 are represented by counsel and identified by the Investigating Officer. They submit that their disputes with the petitioners have been settled and they do not wish to press their complaint against the petitioners any further.

7. In view of the fact that the parties have resolved their disputes

and respondent Nos. 2 to 5 do not wish to press their 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 there from.

8. Accordingly, the petition is allowed. FIR No.563/2006 under Sections 420/448/468/471/120B/34 IPC, Police Station Najafgarh and the consequent proceedings emanating there from are quashed, subject to the payment of costs of Rs.10,000/- by the petitioners to the *Delhi High Court Bar Association Employees Welfare Fund* within a period of three weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of four weeks from today.

9. Order Dasti under signatures of Court Master.

JULY 13, 2018
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SANJEEV SACHDEVA, J