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

+ **W.P.(CRL) 496/2018**

SUNIL GUPTA @ JINDAL & ORS

..... Petitioner

Represented by: Mr. H.S. Arora and Ms. Pooja Jindal,
Advocates.

versus

THE STATE & ANR

..... Respondent

Represented by: Mr. Ranbir Singh Kundu, ASC with
Ms. Suman Saharan, Advocate with
Insp. C.L. Meena, PS Kirit Nagar and
SI Vikram Singh, PS Punjabi Bagh.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.10.2018

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By the present petition the petitioners seek quashing of FIR No. 383/2012 under Sections 471/120B/420/468 IPC registered at PS Punjabi Bagh, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the three petitioners sold the three different floors of property bearing No. 120, Arihant Nagar, Punjabi Bagh, Delhi to respondent No. 2 despite the fact that loans had been taken against the said three floors from the various banks. He states that in the above noted FIR the three petitioners are the only accused and the respondent No.2

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is the only complainant/ victim.

Mr. Gurpreet Singh, son of Mr. Jasbir Singh Sethi, respondent No. 2 is present in Court. A Special Power of Attorney has been executed by respondent No. 2 in favour of his son, Gurpreet Singh, who is present in Court and is identified by the Investigating Officer. Copy of the Power of Attorney is annexed at pages 85 to 87 of the paper book.

Mr. Gurpreet Singh, Special Power of Attorney of respondent No. 2 states that the respondent No. 2 has settled the matter with the petitioners and the petitioners have cleared the loans taken on the said three floors i.e. ground floor, 1st floor and 2nd floor of property bearing No. 120, Arihant Nagar, Punjabi Bagh, Delhi and the respondent No. 2 has paid them the entire sale consideration. Sale deed in respect of three floors of the property in question has been executed and vacant peaceful possession thereof handed over to respondent No. 2. In view of the fact that there is now no claim whatsoever remaining against the petitioners and respondent No. 2 does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties. To show remorse they undertake to deposit cost.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the

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interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 383/2012 under Sections 471/120B/420/468 IPC registered at PS Punjabi Bagh, Delhi and proceedings pursuant thereto are hereby quashed subject to each of the petitioner depositing a sum of ₹5,000/- with the Chief Minister's Distress Relief Fund, Kerala within two weeks and receipt thereof will be placed on record.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 04, 2018
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