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

+ **CRL.M.C. 988/2018**

ABDUL RAZZAK KHAN

..... Petitioner

Through: Mr. H.K. Dhariwal, Mr. Sanjiv Rathi
and Mr. Vinay Kumar, Advs.

versus

THE STATE & ANR

..... Respondents

Through: Mr. M.S. Oberoi, APP for State with
Insp. S.P. Singh, P.S. Anand Vihar.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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26.02.2018

Crl. M.A. Nos. 3616-17/2018

Allowed, subject to all just exceptions.

Applications are disposed of.

Crl. M.C. 988/2018

Petitioner and respondent no.2 have settled their deputises amicably before the Additional Sessions Judge-03, Shahdara, Delhi on 22nd December, 2017, therefore, FIR No. 255/2016 under Sections 420/406/34 IPC registered at police station Anand Vihar and the consequent proceedings may be quashed. It is submitted that during the investigation offence under Sections 467/120-B/201 IPC were also added besides Section 14 of the

Foreigner Act and Section 12 of the Passport Act. It is further submitted that petitioner is an Indian national, therefore, offences under Sections 14 of the Foreigner Act and Section 12 of the Passport Act are not attracted against him.

The case set up in the FIR is that complainant (respondent no. 2) received emails, SMSs and phone calls from the accused persons informing him that he was held successful in a lucky draw and was entitled to price money of ₹10 million. Respondent no.2 was asked to deposit various sums on different dates in 18 bank accounts which he did. One such account was that of petitioner. However, price money was not paid. As regards, petitioner is concerned, it is contended that ₹1.20 lacs was deposited in two different accounts of the respondent no.2.

Respondent no.2 is present in Court and has been identified by Insp. S.P. Singh. He submits that he has settled the matter with the petitioner of his own free will and without any undue force, pressure or coercion. He admits having received ₹1.20 lacs from the petitioner out of the total settled amount of ₹1,70,000/-. Petitioner has paid another sum of ₹50,000/- to the respondent no.2 today in Court. Respondent no.2 says he has no objection in case FIR is quashed against the petitioner only.

Learned counsel for the petitioner submits that petitioner himself is a victim of circumstances. It is submitted that petitioner used to supply water to the co-accused, namely, Romeo who had taken the accounts details of the petitioner. I need not go into the merits of the case since matter has been compromised between the petitioner and respondent no.2 voluntarily and concerned parties have prayed for quashing of the FIR against the petitioner only on the ground of compromise.

Keeping in view the settlement arrived at between the petitioners and respondent no.2 voluntarily, in my view, no fruitful purpose would be served in keeping the criminal proceedings pending qua the petitioner. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

FEBRUARY 26, 2018

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