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

+ **CRL.M.C. 1072/2018**

MAHIPAL SINGH

..... Petitioner

Through: Mr. Rajat Arora and Ms. Vishalakshi
Singh, Advs.

versus

STATE (NCT OF DELHI)& ANR

..... Respondents

Through: Ms. Anita Abraham, Addl. PP for the
State with SI Rakesh Kumar

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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28.02.2018

Crl. M.A. 3883-3884/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1072/2018

1. The petitioner seeks quashing of FIR No. 53 of 2018 under Sections 174-A of the IPC Police Station Saket, New Delhi, based on a settlement.

2. The subject FIR was registered consequent to the satisfaction recorded by the Magistrate that the proceedings under Section 82 Cr. P.C. stood completed. The proceedings under Section 82 Cr. P.C. were initiated consequent to the failure of the petitioner to appear despite being summoned in a complaint case filed under Section 138 of the Negotiable Instruments Act.

3. Learned counsel for the petitioner submits that the petitioner was never served with the summons as the address mentioned in the complaint was the address at which the petitioner was not available. He, however, submits that the petitioner has already settled with the complainant with regard to the complaint under Section 138 of the Negotiable Instruments Act and compromise deed dated 08.02.2018 has been entered into. Further it is contended that consequent to the settlement, the offence has already been compounded by order dated 16.02.2018 and the petitioner stands acquitted of the said offence.

4. The petitioner relies on the decision of the coordinate bench of this Court in '*Noor Salim Rana Vs. State (Govt. of NCT of Delhi) & Ors.*' MANU/DE/0173/2016 to contend that an FIR under section 174A IPC can also be quashed consequent to a settlement.

5. Since the subject FIR has been registered consequent to proceedings under Section 138 of the Negotiable Instruments Act and the complaint case under Section 138 of the Negotiable Instruments Act has already been compounded, in my view, in the interest of justice, it would be expedient to quash the subject proceedings as the subject FIR is an offshoot of the complaint under section 138 Negotiable Instruments Act.

6. In view of the above, FIR No. 53 of 2018 under Sections 174-A of the IPC Police Station Saket, New Delhi and the consequent proceedings emanating there from are quashed, subject to the petitioner depositing cost of Rs.10,000/- with the "*Prisoners Welfare*

Fund, Jail No. 13, Mandoli”, Mangal Pandey Marg, Harsh Vihar, Village Mandoli, Delhi within two weeks. The receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of three weeks from today.

7. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 28, 2018

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