

\$~2

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

+ CRL.M.C. 1502/2018 & CrI.M.A. No.5462/2018 (for stay)

ASGHAR ALI

..... Petitioner

Through Mr.S.M. Jamal, Adv. with petitioner
in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through Ms.Manjeet Arya, APP for the State.
SI Ompal Singh, PS Khajuri Khas,
Delhi.
Ms.S. Begum, Adv. with respondent
Nos.2 & 3 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

14.11.2018

1. By way of the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.135/2010 registered under Sections 420/468/471/467/477 IPC at Police Station Khajuri Khas, Delhi, on the basis of a Memorandum of Understanding (MoU) dated 14th March, 2018.

2. Learned counsel for the petitioner submits that the petitioner intended to purchase the property bearing Plot No.27 out of Khasra No.508/2, situated in the abadi of Alvi Nagar, Village Shahdullabad, Loni, District Ghaziabad, U.P. He submits that since the respondent nos.2 & 3 were pardanashin ladies, he was interacting with one Shri Ikramuddin who was the brother of respondent no.3 and the brother-

in-law of respondent no.2. However, subsequently, it transpires that Shri Ikramuddin (since deceased) was cheating not only the petitioner but also the respondent nos.2 & 3 and, therefore, under some misunderstanding, the respondent no.2 and 3 filed a complaint against the petitioner leading to registration of the aforesaid FIR. He further submits that subsequently with the intervention of common family friends, the parties have resolved their disputes and have entered into the aforesaid Memorandum of Understanding on 14th March, 2018. He submits that as per the said MoU, the respondent nos.2 & 3 also do not wish that the criminal proceedings should continue as the petitioner was never given the possession of the aforesaid plot which continues to remain in possession of respondent nos.2 & 3. He submits that in these circumstances, the petitioners are willing to deposit costs and therefore, prays that the FIR and consequential criminal proceedings be quashed.

3. The petitioner as also the respondent nos.2 & 3 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent nos.2 & 3 who submit that they have resolved their disputes with the petitioner out of their own free will and do not want the criminal proceedings to continue any further.

4. Having considered the submissions of the learned counsel for the petitioner and perusing the records, I find that all the parties have amicably resolved their disputes and do not want the criminal proceedings to continue any further. I am of the considered opinion that in view of the settlement arrived at between the parties and the fact that Shri Ikramuddin from whom the petitioner claims to have

received the documents relating to the property has since expired, no useful purpose would be served in continuing with the aforesaid criminal proceedings. Ends of justice demand that the FIR and proceedings emanating therefrom be quashed.

5. For the aforesaid reasons, the petition is allowed and the captioned FIR and the proceedings emanating therefrom are quashed, subject to the petitioner paying a sum of Rs.50,000/- as costs to the Delhi High Court Advocates Welfare Trust within fifteen days from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

6. The petition along with the pending application is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 14, 2018/aa