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

+ **CRL.M.C. 1893/2018**

MONIKA @ MONIKA RATHI @ MONIKA CHAUDAHRY

..... Petitioner

Through: Mr.Vinod Sharma, Adv. with the
petitioners in person.

versus

THE STATE & ANR

..... Respondents

Through: Ms.Manjeet Arya, APP for the State
with SI Kedar Yadav
Mr.Rajesh K. Sharma, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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27.11.2018

1. At the oral request of learned counsel for the petitioner, Mr.Ajay Kumar co-accused named in the FIR is impleaded as petitioner no.2. The amended memo of parties along with the affidavit of petitioner no.2 in support of the petition is handed over in Court and is taken on record.

2. Vide the present petition filed u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.0032/2017 registered u/s 120B/384/389 IPC at Police Station North Avenue, Delhi on the basis of a settlement deed dated 09.07.2018.

3. Learned counsel for the petitioners submits that the petitioner

no.1 who is enrolled as an Advocate had been approached by the respondent no.2 through some common friends for some legal advice. He submits that though the petitioner no.1 met respondent no.2 on a few occasions, but the respondent no.2 decided not to avail of her services and on the other hand, due to some misunderstanding, had filed a complaint against petitioner no.1 claiming that she was trying to extort money from him. He submits that based on the said complaint, the captioned FIR was registered not only against the petitioner no.1 but also against the petitioner no.2.

4. Learned counsel for the petitioners further submits that the complaint made by respondent no.2 was only a result of a misunderstanding which now stands amicably resolved between the parties and a settlement deed has been executed by all the parties on 09.07.2018. He submits that the petitioner no.1 is a young practising Advocate facing trial in a case which had arisen only because of a misunderstanding between the parties and volunteers to pay costs as may be directed by this court. He, therefore, prays that the captioned FIR and proceedings emanating therefrom, be quashed.

5. The petitioners as also the respondent no.2 are present in Court and have been identified by SI Kedar Yadav. Respondent no.2 is also represented by a counsel. I have also interacted with the respondent no.2 who states that he has entered in a settlement with the petitioners of his own free will and without any coercion. He further submits that since the petitioner no.1 is a young lady who is at the threshold of her career, he also does not want the aforesaid criminal proceedings to continue as the same will prejudicially affect not only her professional

career but also her reputation. He also therefore, prays that the captioned FIR and proceedings emanating therefrom be quashed.

6. I have considered the submissions of the learned counsel for the parties and perused the records. What transpires from the record is that though in his complaint, the respondent no.2 has levelled categorical allegations on the petitioner no.1 that she was trying to extort money from him with the help of petitioner no.2, he now categorically states that there was a misunderstanding between the parties and therefore, in the heat of moment, he had filed the aforesaid complaint leading to registration of the aforesaid FIR. I find that the allegations levelled against the petitioners are basically personal in nature and keeping in view the fact that the parties themselves have resolved their disputes, no useful purpose will be served in continuing with the aforesaid criminal proceedings. In my view, the continuance of the criminal proceedings in these circumstances would be an abuse of process of law and the ends of justice demand therefore that the FIR and consequential proceedings be quashed.

7. Accordingly, the petition is allowed and the captioned FIR and proceedings emanating are quashed, subject to the petitioner no.1 paying a sum of Rs.1 lakh and petitioner no.2 paying a sum of Rs.50,000/- as costs to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within one week. At this stage, the petitioner no.1 has handed over the costs to SI Kedar Yadav who undertakes to deposit the same in the aforementioned fund. A copy of the receipt of deposit of costs by petitioner no.2 will be handed over to SI Kedar Yadav who will

thereafter produce both the receipts before the learned Trial Court on the next date.

8. The petition is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 27, 2018

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