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

+ **CRL.M.C. 1869/2018**

DEVENDER PAL SINGH & ORS Petitioners

Through: Mr. Sanjay Kumar, Adv.

versus

STATE & ORS Respondents

Through: Mr. Mukesh Kumar, Addl. PP for the
State with SI Vikas Kumar
Mr. Rohit Jain, Adv. for R-1,4 and 5

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **13.04.2018**

Crl. M.A. 6668/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1869/2018 & Crl. M.A. 6667/2018 (stay)

1. The petitioners seek quashing of FIR No. 418 of 2016 under Sections 420/406/506/34 of the IPC Police Station Hari Nagar, New Delhi.

2. The subject FIR was registered on the complaint of the respondent. Learned counsel for petitioners points out that the complaint was lodged by Shri Harbinder Jeet Singh who has since expired and respondent no. 2 to 5 are the legal heirs. Respondent no. 3 is not present in Court on account of her medical condition and she has executed a special power of attorney dated 23.02.2018 in favour

of respondent no. 2, her mother specifically authorizing her to appear on her behalf to consent on the subject quashing. Petitioner no. 2 is not present in Court in person. However, he has given special power of attorney in favour of petitioner no. 1 as he is a permanent resident of Canada. Both Petitioner No. 2 and respondent No. 3 are granted exemption from personal appearance.

3. The subject FIR was registered consequent to an agreement to sell which was executed between the petitioners and late Sh. Harbinder Jeet Singh. A memorandum of settlement dated 23.01.2018 has been executed. As per the settlement, the petitioners have to pay a total sum of Rs. 25 lakhs in full and final settlement of the entire claims of the respondent.

4. The respondents are present in person in Court, represented by her counsel and is identified by the Investigating Officer. They confirm the settlement. The said amount of Rs. 25 lakhs has been tendered by s by way of Demand Draft No. 291586 dated 11.12.2017, which is accepted by the respondents. It is noticed that the demand draft of Rs. 25 lakhs has expired. The petitioners who are present in Court undertake that the said demand draft shall be revalidated during the course of the day and handed over to the respondents. The undertaking is accepted.

5. Respondents as per the settlement have agreed to withdraw the complaints filed under Section 138 of the Negotiable Instruments Act. The respondents undertake that they shall duly withdraw the said

complaint. The undertaking is accepted.

6. Respondents submit that they do not wish to press the criminal complaint against the petitioner any further.

7. In view of the fact that the disputes between the parties has been settled, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would also be expedient to quash the subject FIRs and the consequent proceedings emanating therefrom.

8. In view of the above, the petitions are allowed. FIR No. 418 of 2016 under Sections 420/406/506/34 of the IPC Police Station Hari Nagar, New Delhi and the consequent proceedings emanating therefrom are, accordingly quashed, subject to the petitioners' depositing cost of Rs.30,000/- 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.

9. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 13, 2018

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