

\$~25

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

%

Judgment delivered on: 10.09.2018

+ CRL.M.C. 2411/2018

SAWAN MAHLA

..... Petitioner

versus

THE STATE (NCT OF DELHI) & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.Roshan Lal, Advocate with Mr.Dalip Singh,
Advocate.

For the Respondents : Mr.Panna Lal Sharma, APP.
SI Rama Kant PS Sarai Rohilla.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
10.09.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.30333/2018 (for early hearing)

For the reasons stated in the application and with the consent of the parties, the date is advanced. The petition is taken up for hearing today.

Next date of 04.10.2018 is cancelled.

CRL.M.C. 2411/2018

1. The petitioner seeks quashing of FIR No.433/2016 under Section 392/34 IPC, Police Station Sarai Rohilla.
2. The allegations in the FIR are that the complainant was going on his motorcycle when he received a call and stopped to attend the call. Three persons came in front of his motorcycle and snatched his mobile. During investigation, the IMEI of the mobile phone was put on trace and the phone was found in the possession of the petitioner.
3. Learned counsel for the petitioner submits that he has falsely implicated that he had purchased the mobile phone without knowing that the same was stolen.
4. Learned counsel for the petitioner further submits that without prejudice he has settled with respondent no.2/complainant.
5. Status report has been filed which shows that the co-accused Ranbir @ Jhangi has already expired and the third accused who was the acquaintance of Ranbir is unknown and untraced.
6. Respondent No.2 is present in Court in person and is identified by the IO. He has also filed an affidavit. He submits that he has settled with the petitioner and does not wish to prosecute the complaint any further.
7. In view of the fact that the parties have resolved their disputes

and respondent No. 2 does not wish to press his complaint, 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 be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

8. In view of the above, the petition is allowed. FIR No.433/2016 under Section 392/34 IPC, Police Station Sarai Rohilla and the consequent proceedings emanating there from are quashed, subject to the petitioner depositing costs of Rs.5,000/- with the “*Chief Minister’s Distress Relief Fund (CMDRF), Kerala*”, within a period of two weeks from today. 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 the signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 10, 2018

ab