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

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Judgment delivered on: 04.10.2018

+ CRL.M.C. 2705/2018

VINOD KUMAR & ORS.

..... Petitioners

versus

STATE & ANR.

..... Respondents

+ CRL.M.C. 2711/2018

VINOD KUMAR & ORS.

..... Petitioners

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Durgesh Kumar, Mr. Arvind Kumar and Mr. Amit Chauhan, Advocates (in both petitions)

For the Respondents:

Mr. Kamal Kr. Ghai, APP for the State.
Inspr. Ramesh Chandra
Mr. Randeep Pundir and Ms. Beanty Singh, Advs.
for R-2 with respondent no. 2 in person (in both the petitions)

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

04.10.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.C. 2705/2018 & CRL.M.C. 2711/2018

1. Petitioners, in Crl. M.C. 2705/2018 seek quashing of FIR No.101 of 2009 under Sections 420/467/468/471/406/506/120-B/34 of the IPC registered at Police Station Chhawala, New Delhi and petitioners, in Crl. M.C. 2705/2018 seek quashing of FIR No.72 of 2009 under Sections 420/468/471/448/506/120-B of the IPC registered at Police Station Chhawala, New Delhi based on a settlement.

2. The allegations against the petitioners are that they had created forged and fabricated title documents in respect of the property measuring 250 Sq. yards in Khasra No. 21/13, Village Qutub Pur, Colony Qutub Vihar. Allegations are that they were two sets of title documents; both emanating from Ram Niwas, petitioners were claiming total 150 Sq. yards from one chain of documents. Complainants Munsi Lal & Madhu who are respondent no. 2 in the respective FIRs were claiming title from another set of documents. Both emanating from Ram Niwas.

3. Learned counsels for the parties submit that parties have settled their disputes and Compromise Deed/Memorandum of Understanding dated 07.02.2018 has been executed between the parties. It is noticed that the complainant in the meantime had further sold their rights in the properties to third party. Petitioners and complainants as well as the said third party all have signed the MOU dated 07.02.2018.

4. As per the MOU dated 07.02.2018, the petitioners were to be paid a total sum of Rs. 5 lakhs for giving up relinquishing/surrendering/disclaiming their rights, title or interest in the subject property in favour of the present owners. Said amount of Rs. 5 lakhs have already been paid to the petitioners.

5. Petitioners are present in the court and they undertake that they have no rights, title or interest of any nature in the subject land. The undertakings are accepted.

6. Respondent No.2 in the respective petitions are present in person, represented by counsel and are identified by the Investigating Officer. They submit that they have settled the disputes with the petitioners and do not wish to press charges against the petitioners and prosecute the complaint any further.

7. In view of the fact that the parties have resolved their disputes and the complainants in both the FIRs do not wish to press their complaints, 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 petitions are allowed. FIR No.101 of 2009 under Sections 420/467/468/471/406/506/120-B/34 of the IPC

registered at Police Station Chhawala, New Delhi and FIR No.72 of 2009 under Sections 420/468/471/448/506/120-B of the IPC registered at Police Station Chhawala, New Delhi and the consequent proceedings arising therefrom are, accordingly, quashed, subject to the petitioner-Vinod Kumar depositing consolidated costs of Rs.15,000/- for both these petitions 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.

OCTOBER 04, 2018
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SANJEEV SACHDEVA, J