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

+ **CRL.M.C. 3062/2018**

MONU TANDON & ANR

..... Petitioners

Through: Mr.Lucky Tiwari, Adv. with
petitioners in person.

versus

THE STATE & ANR

..... Respondents

Through: Mr.Raghuvinder Verma, APP with
ASI Satywam, PS Moti Nagar.
Mr.Naved Khan, Adv. for R-2 with
R-2 in person .

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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03.12.2018

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.0192/2017 registered u/s 420/448/406/34 IPC at Police Station Moti Nagar, Delhi on the basis of a Compromise Deed dated 21.08.2017.

2. Learned counsel for the petitioner submits that the petitioner no.2 is the owner of house No.F-211, Ground Floor, Sudershan Park, Moti Nagar and the respondent no.2 being desirous of purchasing the same had met him through the petitioner nos.1 and 4 who are property dealers of the area. He submits that pursuant to negotiations between them, some amount was paid to the petitioner no.2 in the presence of petitioner no.3. He submits that subsequently due to some

misunderstanding the transaction did not materialise even though initially respondent no.2 had been given possession of the said property and was therefore subsequently due to misunderstanding between the parties, asked to vacate the same. He submits that though respondent no.2 vacated the property, but went on to file a complaint against the petitioners leading to the registration of the aforesaid FIR.

3. Learned counsel for the petitioners submits that the complaint by the respondent no.2 was result of a misunderstanding between the parties as the petitioner no.2 was always selling and ready to return the amount received from respondent no.2. He submits that the parties have now with the intervention of common friends, resolved their disputes amicably and the respondent no.2 has already received back the entire amount of Rs.2,80,000/-. He therefore, prays that the aforesaid FIR and proceedings emanating therefrom be quashed.

4. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. Respondent no.2 is also represented by a counsel. I have interacted with respondent no.2 who states that the complaint was made by him under a misunderstanding as also the fact that the petitioners were delaying return of the aforesaid sum of Rs.2,80,000/- to him. He further submits that now that he has received the entire agreed amount he also does not want the criminal proceedings be continued. He therefore, prays that that the captioned FIR and consequential proceedings be quashed.

5. I have considered the submissions of the learned counsel for the parties and perused the records. What transpires from the record is

that the complaint was a result of a misunderstanding and perhaps the reluctance on the part of the petitioners to return the amount to respondent no.2. The transaction leading to the complaint FIR is basically private in nature and keeping in view the fact that since the parties have amicably resolved their disputes, no useful purpose will be served in continuing with the criminal proceedings. Ends of justice demand that the FIR and all consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and proceedings emanating therefrom are quashed, subject to the petitioners paying a sum of Rs.25,000/- each as costs to the 'Home for Leprosy and T.B. Affected Beggars' within three weeks from today. A copy of this order be sent to the Superintendent, Home for Leprosy and T.B. Affected Beggars, Tahir Pur, Delhi-110093 for information. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for record.

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

REKHA PALLI, J

DECEMBER 03, 2018

gm