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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1570/2018**
TOSEEF AHMAD

..... Petitioner

Through: Mr. Rizwan and Ms. Priyanka Goel,
Advts.

Versus

STATE & ANR

..... Respondent

Through: Mr. Sanjay Lao, ASC with Ms. Hemlata
Rawat and Mr. Siddharth Sindhu with I.O. ASI
Gulab Singh.
Mr. R.D. Tyagi, Adv. along with complainant.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **19.09.2018**

This petition seeks quashing of FIR No. 34/2018 dated 10.02.2018 under sections 420/120-B IPC registered at Police Station Crime Branch, Delhi in view of the settlement arrived at between the parties whereby against a claim of Rs.17.50 lac, the complainant has settled the same at Rs.11 lacs from the petitioner. In other words, the complainant himself has apportioned the amount of Rs.17.5 to have been appropriated by the petitioner and by accepting Rs.11 lacs from the petitioner, he agrees that his complaint for the remaining amount of Rs.17.5 lacs would be altered in terms of the Status Report filed by the police, as under:

S.No.	Accused	Share from Cheated	Refunded to complainant.

		amount	
1.	Jasim Ahmed Ansari	05 Lacs	Rs. 50,000/- cash and 02 Post Dated Cheques of Rs.4.50 Lacs.
2.	Mohd. Akhtar	02 Lacs	02 Lacs handed over to complainant in cash
3.	Aman Verma	02 Lacs	02 Lacs handed over to complainant in cash
4.	Mitesh Vashisht	01 Lacs	No refund so far
5.	Toushif Ahmed	17.5 Lacs	As per settlement amount of Rs.11 Lacs, amount of Rs.7 Lacs has been refunded vide Demand Draft and 04 Lacs is to be handed over at the time of quashing of FIR.
6.	Manoj Sharma	5.50 Lacs	No refund (Not arrested so far)
7.	Noushad	02 Lacs	No refund (Not arrested so far)

Effectively, an amount of Rs. 8.5 lacs remain un-accounted for against Mitesh Vashisht, Manoj Sharma and Noushad.

The petitioner has been paid a sum of Rs.7 lacs by the complainant in cash and remaining Rs.4 lacs has been paid by him by way of a Demand Draft bearing no. 260088 dated 04.09.2018 drawn on Oriental Bank of Commerce.

Since the complainant himself has reduced his claim against the petitioner and does not wish to pursue the case against the present petitioner any further, the FIR against the petitioner has been denuded of its substratum and any further proceedings emanating therefrom against the present petitioner would be an exercise in futility, therefore, in the interest of justice, FIR No. 34/2018 dated 10.02.2018 under sections 420/120-B IPC registered against the petitioner at Police Station Crime Branch, Delhi and

all proceedings emanating therefrom only apropos the present petitioner are hereby quashed. However, the FIR shall remain un-affected by this order, as far as other accused persons are concerned.

9. The petition is allowed in the above terms.

NAJMI WAZIRI, J

SEPTEMBER 19, 2018/acm