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

+ **CRL.M.C. 2765/2018**

HARIOM TANDON & ANR

..... Petitioners

Through: Mr. Anish Sahrma, Mr. Ahashank
Goswami, Mr. Mukesh Sharma, Mr.
Sahil Munjal and Mr. R. Munjal,
Advs.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. G.M. Farooqui, Addl. PP for the
State with ASI Satender Thakur
Mr. N.C. Sharma, Mr. Ajay Sharma
and Mr. C.S. Walia, Advs. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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22.05.2018

Crl.M.A.9870/2018 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL. M.C. 2765/2018 & Crl. M.A. 9869/2018

1. The petitioners seek quashing of FIR No. 513 of 2004 under Sections 406/420/468/471/120B of the IPC Police Station Vikas Puri, New Delhi, based on a settlement.

2. Learned counsel for the petitioner informs that the charge sheet has not been filed against Rajesh who has been mentioned as an accused in the FIR. The charges were framed only against the

petitioners.

3. The subject FIR emanates out of a share transaction. At the relevant point of time, the petitioners were operating as share brokers and complainant had given his shares for the purposes of transacting in the same.

4. The parties are present in Court today. They submit that the parties have settled their disputes. Compromise/settlement deed dated Nil has been executed between the parties. They further submit that it was executed on 14.05.2018. As per the settlement, a total sum of Rs. 4 lakhs has been agreed to be paid to respondent no. 2. The said sum of Rs. 4 lakhs by way of Demand Draft/Pay Order No. 578789 dated 05.03.2018 issued by Kotak Mahindra bank has been paid to Respondent no. 2 today in Court. The same is accepted.

5. Respondent no. 2 is present in person in Court today, represented by his counsel and is identified by the Investigating Officer. He submits that he has settled the disputes with the petitioners. Respondent No. 2 submits that he does not wish to press the criminal complaint against the petitioners any further.

6. 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 FIR and the consequent proceedings emanating

therefrom.

7. In view of the above, the petitions are allowed. FIR No. 513 of 2004 under Sections 406/420/468/471/120B of the IPC Police Station Vikas Puri, New Delhi and the consequent proceedings emanating there from are, accordingly quashed, subject to the petitioners depositing costs of Rs. 10,000/- each to be paid to the *Delhi High Court Advocates Welfare Trust* 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.

8. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 22, 2018

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