

\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2962/2018**
BINAY BHUSHAN & ANR. Petitioners
Through Mr. Vijay Joshi, Advocate.

versus

STATE & ANR. Respondents
Through Mr. Mukesh Kumar, APP for the
State.
Mr. Sushil Kumar Pandey, Advocate
for R-2 with R-2 in person.
SI Sanjeev Kumar, EOW.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

28.05.2018

CrI.M.A. 10478/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 2962/2018

1. The petitioners seek quashing of FIR No.208/2009 under Sections 408/420/477-A/120-B IPC, Police Station Economic Offences Wing, New Delhi, based on a settlement.
2. The subject FIR was registered consequent to an allegation of misappropriation by the petitioners, who were the employees in the petrol pump of the respondent No.2.
3. Learned counsel for the petitioners submits that the parties have settled their disputes and a Settlement Agreement dated 04.03.2014 has been executed between the parties. As per the settlement, petitioners have paid the entire amount of Rs.7,00,000/-.

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

5. In view of the fact that disputes between the parties have 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.

6. In view of the above, the petition is allowed. FIR No.208/2009 under Sections 408/420/477-A/120-B IPC, Police Station Economic Offences Wing, New Delhi and the consequent proceedings emanating therefrom are, accordingly quashed, subject to the payment of cost of Rs.10,000/- by the petitioner No.1 and Rs.5,000/- by the petitioner No.2 with the *Delhi High Court Bar Association Employees Welfare Fund* within a period of four weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of five weeks from today.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 28, 2018/st