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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 3023/2018

MRS. RUKMANI KUMAR

..... Petitioner

Through: Mr. Abhimanyu Dhawan, Adv.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondent

Through: Mr. Mukesh Kumar, APP for the
State with S.I. Shikhar, Sec-I/EOW

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.10.2018

CRL. M.A. 34774/2018 (for impleadment)

1. The present application seeks impleadment of Nandha Kumar Babu, Vimal Gaur and Subramanian as co-petitioners. Learned counsel for the petitioner submits that though the aforesaid persons were also named as co-accused in the FIR, their names were inadvertently left out from the memo of parties.
2. Issue notice. Mr. Mukesh Kumar, learned APP for the State accepts notice and does not oppose the application.
3. For the reasons mentioned in the application, the application is allowed and Mr. Nandha Kumar Babu, Mr. Vimal Gaur and Mr. Subramanian are impleaded as petitioner nos. 2, 3 and 4 respectively. The amended memo of parties already filed is taken on record.
4. The application stands disposed of.

CRL.M.C. 3023/2018

1. Vide the present petition under Section 482 Cr.P.C the petitioner prays for quashing of FIR No.331/2016 registered at Police Station Vasant Kunj, Delhi under the provisions of Section 406 and 418 of Indian Penal Code.
2. Learned counsel for the petitioner submits that the petitioner No.1 was carrying out the administration work in the office of respondent no.2 company. He submits that under a misapprehension that the petitioners were siphoning off funds of the respondent no.2 company the respondent no.2 through its director namely, Mr. K. Vaithiyanathan lodged a complaint against all the petitioners. He submits that however, subsequently, the parties have resolved their differences and entered into a settlement deed voluntarily on 08.08.2018 and the respondent no.2 has no subsisting grievance against the petitioners. He therefore, prays that the FIR and consequential proceedings be quashed in accordance with the terms of settlement deed dt.08.08.2018.
3. All the four petitioners as also Mr. K. Vaithiyanathan, director of respondent no.2 are present in court and have been identified by the Investigating Officer.
4. Mr. Mukesh Kumar, learned APP submits that in the present case not only the petitioners but respondent no.2 is at fault as despite five show cause notices issued by the Investigating Officer, he did not respond. He therefore, submits that though he does not oppose the quashing of the FIR, he prays that heavy costs be imposed on both

the parties.

5. I have interacted with the respondent no.2 parties who states that he has entered into the settlement agreement with the petitioners out of his own free will and states that he does not wish to pursue the FIR and consequential criminal proceedings any further. He also prays that the FIR and consequential proceedings be quashed.

6. I have considered the submissions of learned counsel for both the parties and perused the record. Keeping in view the fact that the parties have already resolved their dispute and the fact that the respondent no.2 admittedly did not provide any document to the Investigating Officer in support of his complaint, no useful purpose will be served in continuing the criminal proceedings. Interest of justice demands that the aforesaid FIR and consequential criminal proceedings be quashed subject to parties being put to costs.

7. For the aforesaid reasons, the petition is allowed, subject to the petitioners paying a sum of Rs50,000/- to Delhi Police Martyr's Fund and in the peculiar facts of the present case respondent no.2 is also directed to pay Rs.50,000/- as costs to Delhi Police Martyr's Fund. Copy of receipts of costs will be handed over to the Investigating Officer.

8. The petition is allowed in the aforesaid terms.

REKHA PALLI, J

OCTOBER 30, 2018/tp