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

+ W.P.(CRL) 1476/2017

MOHD.JAMSHED & ANR.

..... Petitioners

Represented by: Mr. Sitab Ali Choudhary,
Advocate with son of petitioner
No.1 in person.

versus

THE STATE & ORS.

..... Respondents

Represented by: Mr. Piyush Singhal, Advocate
for Mr.Ashish Aggarwal,
Additional Standing Counsel
for State with SI Rishi Sharma,
PS Jamia Nagar.
Mr. Firoz Alam, Advocate for
respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.05.2018

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1. By this petition the petitioners seek quashing of FIR No.552/2013 under Sections 420/406/120B/34 IPC registered at PS Jamia Nagar, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that parties have settled the matter.

2. This petition was first listed on 17th May, 2017 when on behalf of the petitioners a request was made that the respondent No.2 could not come to the Court, thus the matter be adjourned. Again respondent No.2 was not available. Vide order dated 22nd September, 2017, this Court noted that it has been agreed between the parties that the petitioner shall hand over to

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respondent No.2 a sum of ₹10,60,000/- out of which ₹1.25 lakhs has already been paid and the demand draft for the balance amount of ₹9.35 lakhs has been deposited with the Court below which would be revalidated.

3. Since 22nd September, 2017 till date the petitioners are seeking time to revalidate the said draft. On the last date of hearing, that is, 14th May, 2018 this Court noted that regular bail was granted to Parvez Akhtar, petitioner No. 2 herein on the ground that the parties have settled the matter and the sum of ₹9.35 lakhs will be paid to the complainant on 16th December, 2017, however, on the pretext of revalidation, till date the settlement has not been honoured. This Court also noted that if till today the FDR is not revalidated, this Court will be constrained to pass adverse orders.

4. Today again learned counsel appears and states that he be permitted to file the vakalatnama and also extend the time for revalidation of the draft. Besides learned counsel, son of the petitioner No. 1 is also present in Court.

5. As noted above despite repeated opportunities, the FDR has not been revalidated.

6. Consequently, the petition seeking quashing of the FIR in question on the basis of compromise is dismissed.

MUKTA GUPTA, J.

MAY 22, 2018

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