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

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Judgment delivered on: 28.08.2018

+ CRL.M.C. 3492/2018

SACHIN SAINI & ORS

..... Petitioners

versus

GOVT. NCT OF DELHI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Pawan Kaushik, Advocate with
petitioners in person.

For the Respondents: Mr. Kamal Kumar Ghai, APP for the State.
Mr. Amarjeet Kumar, Advocate for R-2
with R-2 in person.
SI Vikas Kumar, PS Dwarka South.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek quashing of FIR No.541/2017 under Sections 420/467/468/471/120-B/34 IPC, Police Station Dwarka South.
2. The allegations in the FIR are that the complainant is the purchaser of the roof above the second floor from the builder. It is alleged that the petitioners are the purchasers of the second floor. There was a dispute with regard to the roof rights above the second

floor. Petitioners were claiming that they had purchased the second floor with roof rights. However, as per the complainant and the builder, second floor without roof rights was sold. Since the complainant was being prevented from enjoying the roof rights that she has purchased, she filed the subject complaint.

3. Learned counsel for the parties submit that the parties have entered into a settlement and a Memorandum of Understanding dated 28.05.2018 has been executed. As per the settlement, the petitioners have agreed that they own the second floor without any roof rights and the roof rights above the second floor belong to the complainant.

4. The petitioners, who are present in Court in person, undertake that they have no right, title, interest or claim on the roof rights above the second floor and further undertake that they shall not object, restrict or create any hinderance to the enjoyment of the rights of the roof above the second floor by the complainant. The undertaking is accepted.

5. The respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She submits that she has settled with the petitioners as they have agreed that they have no right, title, interest or claim on the roof rights above the second floor, she does not wish to press the complaint any further and has no objection to the quashing of the subject FIR.

6. In view of the fact that the parties have resolved their disputes

and respondent No. 2 does not wish to press her complaint, 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 be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

7. In view of the above, the petition is allowed. FIR No.541/2017 under Sections 420/467/468/471/120-B/34 IPC, Police Station Dwarka South and the consequent proceedings emanating there from are quashed.

8. Order *Dasti* under the signatures of the Court Master.

AUGUST 28, 2018
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SANJEEV SACHDEVA, J