

\$~15

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

+ **CRL.M.C. 3354/2018**

NARESH KUMAR @ TAU & ORS

..... Petitioner

Through Mr.Sunil K.Mittal with Mr.Vipin
K.Mittal, Advs.

Petitioners in person.

versus

THE STATE & ANR

..... Respondent

Through Mr.Raghuvinder Verma, APP with SI
Amit Kundu, PS Moti Nagar.

Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

17.12.2018

1. An additional status report has been filed pointing out that the petitioner no.1 is involved in 25 other cases of a similar nature.
2. In view of the aforesaid additional status report, learned counsel for the petitioners submits on instructions from the petitioner no.1 that he does not wish to press the present petition *qua* the petitioner no.1. He, however, prays for liberty to appear and take appropriate remedies as per law *qua* the petitioner no. 1 before the learned Trial Court.
3. Accordingly, the petition *qua* the petitioner no.1 is dismissed as not pressed with liberty as prayed for.
4. Vide the present petition u/s 482 CrPC, the petitioner nos.2 to 4 seek quashing of FIR No.297/2016 u/s 420/406 IPC registered at P.S Moti Nagar, Delhi and all proceedings emanating therefrom, based on a Memorandum of Understanding dated 02.07.2018 entered into

between the parties.

5. Mr.Sunil K.Mittal, learned counsel for the petitioner nos.2 to 4 submits that the respondent no.2 was desirous of getting his son admitted in a medical college, namely Christian Medical College, Ludhiana and, therefore, he contacted the petitioner no.1, who was known to the petitioner nos.2 to 4. He further submits that even though the petitioner nos.2 to 4 did not have any role in facilitating the respondent no.2's interaction with the petitioner no.1, upon a complaint made by the respondent no.2, the petitioner nos.2 to 4 were also arrayed as co-accused in the captioned FIR.

6. Mr.Mittal submits that the parties have now executed a Memorandum of Understanding dated 02.07.2018 based on which the respondent no.2 has already been paid the entire agreed amount of Rs.7 lakhs. He also states that the petitioner nos.2 to 4 are willing to bear any costs that may be directed by this Court and, therefore, prays that the FIR and all proceedings emanating therefrom be quashed.

7. The petitioner nos.2 to 4 as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2, who states that he has entered into the Memorandum of Understanding out of his own free will and has received the entire agreed amount. He also states that he does not want the aforesaid criminal proceedings to continue as he does not want any further acrimony with the petitioner nos.2 to 4 and, therefore, prays that the captioned FIR and consequential proceedings be quashed.

8. I have considered the submissions of the learned counsel for the

parties and perused the record. Keeping in view the fact that as per the captioned FIR, the main allegation is against the petitioner no.1 as also the fact that the FIR basically relates to a private transaction between the parties, no useful purpose will be served in continuing the criminal proceedings when the parties themselves have resolved their disputes. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed.

9. Accordingly, the petition is allowed and the captioned FIR and consequential proceedings *qua* the petitioner nos.2 to 4 are quashed, subject to the petitioner nos.2 to 4 paying a sum of Rs.50,000/- each as costs to the Delhi High Court Bar Association Library Fund within six weeks. The receipts of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

10. The petition is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 17, 2018

sr