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

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Judgment delivered on: 20.08.2018

+ CRL.M.C. 4176/2018

SURESH KUMAR RATHORE & OTHERS Petitioners

versus

THE STATE, (GOVT. OF N.C.T. OF DELHI) & ANR....respondents

+ CRL.M.C. 4184/2018

SURESH KUMAR RATHORE & ANOTHER Petitioners

versus

THE STATE, (GOVT. OF N.C.T. OF DELHI) & ANR.. Respondents

Advocates who appeared in this case:

For the Petitioner(s) : Mr.Ravinder Tyagi, Adv.

For the Respondent(s): Mr.Panna Lal Sharma, Addl. PP for
the State with W/ASI Santosh, P.S.South Rohini.
Mr.Manoj Sharma, Adv. for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

20.08.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.A. 30241/2018

CRL.M.A. 30248/2018

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4176/2018 & Crl.M.C.4184/2018

1. Petitioners in Crl. M.C. 4176/2018 seek quashing of FIR No.177/2017 under Sections 323/354/354A/354B/506/34 at Police Station South Rohini and Petitioners in Crl. M.C. 4184/2018 seek quashing of FIR No.113/2017 under Sections 354(B)/506/509/34 at Police Station South Rohini.

2. It is informed by learned counsel for the parties that Mr.Sanjay Rathore accused in FIR No.113/2017 has expired on 26.09.2017. Parties are related to each other. Subject FIRs emanate out of a dispute with regard to distribution of properties.

3. Learned counsels for the parties submit that parties have settled their disputes with the intervention of family members as well as through mediation at the Delhi Mediation Centre, Tis Hazari, Delhi. Family Settlement dated 03.01.2018 has been executed.

4. As per the settlement, petitioner Suresh Rathore has agreed to pay a sum of Rs.15 lakhs to Smt.Madhu Rathore and Rs.15 lakhs to Smt. Geeta Rathore. Mr.Suresh Rathore submits that he has paid Rs.2 lakhs to both Madhu and Geeta and further issued cheques in the sum of Rs.13 lakhs each in favour of Madhu and Geeta Rathore. He undertakes that the cheques shall be honoured on their presentation.

5. Mr. Suresh Rathore had also agreed to pay Rs.12 lakhs to Mr.Vikas Rathore, husband of complainant Anju Rathore in FIR

No.113/2017. Mr.Vikas Rathore confirms that he has already received the amount of Rs.12 lakhs.

6. Mr. Suresh Rathore has also agreed to relinquish his rights title or claim, if any, in properties bearing (i) No.WZ-256, BD, Shakur Pur, Delhi, and (ii) A-39, First Floor, Sector-2, Avantika, Rohini, Delhi in favour of Smt.Mona Rathore.

7. Mr.Suresh Rathore undertakes that he has no claim, right, title or interest in the two properties or in the estate of Mr.Sanjay Rathore and in case any document is necessary for the purposes of transferring/disclaiming his right, title or interest in the said properties or the estate of Mr.Suresh Rathore, he shall execute the same. He further undertakes that he shall execute a Disclaimer Deed disclaiming any right, title or interest in the two properties which were originally owned by Mr.Suresh Rathore in favour of Ms.Mona Rathore.

8. The undertakings are accepted.

9. Parties are present in court in person, represented by their respective counsels and identified by the Investigating Officers. They submit that they have settled the disputes with each other and they further undertake that they shall maintain peace and cordial relationship in the locality and shall not indulge in quarrel with other in future. They submit that they are agreeable to the settlement and do

not wish to press the criminal charges against each other any further.

10. In view of the fact that the disputes between the petitioners and respondents 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 be expedient to quash the subject FIRs and the consequent proceedings emanating there from.

11. In view of the above, the petitions are allowed. FIR No.177/2017 under Sections 323/354/354A/354B/506/34 at Police Station South Rohini and FIR No.113/2017 under Sections 354(B)/506/509/34 at Police Station South Rohini and the consequent proceedings emanating there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

AUGUST 20, 2018

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