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

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Judgment delivered on: 11.09.2018

+ CRL.M.C. 4590/2018

MR. KAPIL DUA AND ANOTHER Petitioners

versus

STATE AND ANOTHER Respondents

Advocates who appeared in this case:

For the Petitioners : Mr.Brij Bhushan Solanki, Adv.

For the Respondents: Mr.Sanjeev Sabharwal, APP.
SI Devi Lal PS Maurya Enclave.
Mr.Abhimanyu Chauhan, Adv. for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.09.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A. 31760/2018 (exemption)

Exemption is allowed subject to all just exceptions

Crl.M.C.4590/2018

1. Petitioners seek quashing of FIR No.207/2015 under Sections 419/420/423/506/120B IPC, Police Station Maurya Enclave.
2. The allegations against the petitioners are that the petitioners had alleged to transfer certain properties based on a notarized

documents and it subsequently transpired that petitioner had no right, title or interest to the properties sought to be sold, complainant had paid a sum of Rs.6 lacs to the petitioner.

3. Parties have settled their disputes through the process of mediation held before Delhi Mediation Centre, Rohini District Courts, Delhi dated 30.08.2018 has been executed between the parties. As per the settlement, the petitioner has agreed to pay a sum of Rs.15,50,000/- to respondent no. 2. A sum of Rs.10,00,000/- has already been paid. The balance sum of Rs.5,50,000/- has been paid to the respondent No.2 by way of Demand Draft No.578897 dated 10.09.2018 drawn on Canara Bank.

4. Respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. He submits that he has settled disputes with the petitioners and does not wish to press charges against the petitioners and prosecute the complaint any further.

5. Learned counsel for the petitioner points out that in terms of order dated 23.07.2015 and 14.09.2015 by which the bail was granted, petitioners had deposited FDRs in the sum of Rs.6 lacs each, with the Trial Court, as a condition for grant of bail.

6. In view of the fact that the parties have resolved their disputes and respondent No. 2 does not wish to press his 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.207/2015 under Sections 419/420/423/506/120B IPC, Police Station Maurya Enclave and the consequent proceedings emanating therefrom are, accordingly quashed.

8. The sureties furnished by the petitioners for grant of bail be discharged and directed to be released to the petitioners.

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

SEPTEMBER 11, 2018
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SANJEEV SACHDEVA, J