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

+ **CRL.M.C. 4669/2018**

VISHAN SINGH & ORS.

..... Petitioners

Through: Mr.Jayant Bhatt & Ms.Jyoti Sharma,
Advts. with petitioners in person.

versus

STATE (THE NCT OF DLEHI) & ANR.

..... Respondents

Through: Mr.Raghuvinder Verma, APP for the
R-1/State with ASI Tuli Ram, PS
Badarpur.
Mr.Mohd. Parvez, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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23.10.2018

1. Vide the present petition, the petitioners have sought quashing of FIR No.0017/2018 under Sections 323/341/465/471/474/120B/34 IPC registered at PS Badarpur, Delhi upon a complaint made by the respondent no.2 on 11.01.2018.
2. The allegations in the FIR are that the petitioners were trying to grab the respondent no.2's property bearing Plot No.753, Gali No.-39B, (Old Plot No.-8, Khasra No.-203), Molarband Extn., Badarpur, New Delhi-44.
3. Learned counsel for the petitioners submits that the FIR is based on a wholly incorrect complaint made by the respondent no.2 by concealing the fact that vide order dated 05.02.2018 passed in RFA No.106/2018, this Court had granted time to the petitioners to vacate the premises till 15.10.2018, which they have voluntarily done. The aforesaid position that the premises stand vacated is not denied

by the respondent no.2.

4. Learned counsel for the parties jointly pray that keeping in view the fact that the petitioners have abided by the undertaking given by them to this Court and the petitioners have handed over vacant and peaceful possession of the property in question to the respondent no.2, the FIR and consequential proceedings be quashed.

5. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2, who states that he has settled his disputes with the petitioners and due to his old age, he wishes to bring an end to the criminal proceedings.

6. Having considered the aforesaid submissions, I am of the view that continuation of the criminal proceedings against the petitioners will be a futile exercise and on the other hand, if the proceedings are brought to an end, interests of justice will be served.

7. Accordingly, in the interest of justice, the captioned FIR and all the consequential proceedings emanating therefrom are quashed, subject to the petitioners paying a sum of Rs.10,000/- as costs to the Delhi High Court Staff Welfare Fund within four weeks. A copy of the receipt of deposit of costs shall be handed over to the Investigating Officer.

8. The petition is disposed of in the aforesaid terms.

REKHA PALLI, J

OCTOBER 23, 2018/gm