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

+ **W.P.(CRL) 1992/2017**

**BHUVNESHWAR PRASAD CHAMOLI**

..... Petitioner

Represented by: Mr. Nitin Khanna, Adv.

versus

**STATE NCT OF DELHI & ANR**

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with SI  
Nagender Nagar, PS Sarita  
Vihar.

Mr. Anil Basoya, Adv. for R-2  
with R-2 in person.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**28.02.2018**

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By the present petition the petitioners Bhuvneshwar Prasad Chamoli, Suraj Pal and Santosh Mourya seek quashing of FIR No. 200/2016 under Sections 408/420/467/468/471/34 IPC registered at PS Sarita Vihar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto qua them on the ground that they have settled the matter with the respondent No.2.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer and as also stated in the status report submits that the above-noted FIR was registered on the complaint of respondent No.2 who is the proprietor of Usha Speed ways (a petrol pump) of Hindustan  
**W.P.(CRL) 1992/2017**

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Petroleum Corporation Limited situated at Mathura Road. In the complaint respondent No.2 alleged that Bhuvneshwar Prasad Chamoli, Rakesh Kumar Shukla, Santosh Mourya and Suraj Pal who were working on her petrol pump for the last many years in different work profiles misappropriated the funds of the petrol pump by manipulating the bank/ cash transaction and preparation of Daily Sales Sheets. On reconciling the accounts it transpired that B.P. Chamoli, Suraj Pal and Santosh Mourya misappropriated a sum of ₹8,61,256/-, ₹ 67,919/- and ₹1,13,000/- respectively. Rakesh Kumar Shukla the fourth accused misappropriated a sum of ₹5,99,780/- from June 2013 to November, 2015. Learned Additional Standing Counsel for the State further states that the siphoning of amounts by each of the accused was independent of others and the amount siphoned by the four accused has been ascertained.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that out of the four accused in the FIR she has settled the matter with B.P. Chamoli, Suraj Pal and Santosh Mourya who have returned to her the misappropriated amount as agreed between the parties. She says that the copy of the receipt of the amounts from Suraj Pal and Santosh Mourya have been placed at pages 112 and 113 of the paper book. In respect of B.P. Chamoli she has already received a sum of ₹8,50,000/- and the balance amount of ₹1,20,000/- has been received by her today in Court in cash. She states that she has now no claim whatsoever against B.P. Chamoli, Suraj Pal and Santosh Mourya and does not wish to continue the above-noted FIR and the proceedings pursuant thereto against the three petitioners herein, however will continue the proceedings qua Rakesh Kumar Shukla.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question qua three petitioners as the claim of respondent No.2 against each of the accused is independent of the other one.

Consequently, FIR No. 200/2016 under Sections 408/420/467/468/471/34 IPC registered at PS Sarita Vihar, Delhi and proceedings pursuant thereto are hereby quashed qua the B.P. Chamoli, Suraj Pal and Santosh Mourya. It is clarified that this Court has not quashed the proceedings qua Rakesh Kumar Shukla.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

**MUKTA GUPTA, J.**

**FEBRUARY 28, 2018**  
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