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

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Judgment delivered on:16.10.2018

+ CRL.M.C. 5088/2018

DEEPAK KAPIL & ORS

..... Petitioners

Through

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through

Advocates who appeared in this case:

For the Petitioners : Mr. M.A. Niyazi with Mr. Manish Kumar, Advocates.

For the Respondent : Mr. Kamal Kumar Ghai, APP for the State.
Mr. Brij Kishore Prasad, Advocate for respondent No.2.
SI Parveen Badaru, EOW.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.33589/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5088/2018

1. Petitioners seek quashing of FIR No.73/2017, under Sections 420/406 IPC, Police Station Economic Wing, based on a settlement.

2. Subject FIR was registered on a complaint by Smt. Ved Kapil contending that she had invested money with a company of which petitioner No.1, who is her relative was one of the Directors. She had alleged that she has invested Rs.40 lakhs in the project. Since money was not returned, subject FIR was registered.

3. Learned counsel for the parties submit that parties have settled their disputes and a Settlement Deed dated 01.12.2017 has been executed. As per the settlement, the petitioners had agreed to pay a sum of Rs.55 lakhs in full and final settlement of all claims of the complainant. Said amount is stated to have been paid.

4. Learned counsel for the respondent submits that Smt. Ved Prakash has expired on 06.01.2018 leaving behind only three daughters, her husband having predeceased. Respondent No.2(i) is one of the legal heirs, who has also executed the settlement agreement with the petitioners as her attorney. She has also filed her affidavit enclosing therewith the acknowledgment of other two sisters certifying that entire money has been received and has been distributed between the family.

5. Mrs. Namita Bhatia daughter of Smt. Ved Kapil is present in Court in person. She submits that her mother Smt. Ved Kapil has settled with the petitioner and neither her sisters nor she has any objection to the quashing of the subject FIR.

6. In view of the fact that parties have resolved their disputes, and the entire settlement amount has been paid, 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.73/2017, under Sections 420/406 IPC, Police Station Economic Wing and the consequent proceedings emanating there from are quashed.

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

OCTOBER 16, 2018
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SANJEEV SACHDEVA, J

नित्यमेव जयते