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

% Judgment delivered on: 05.10.2018

+ CRL.M.C. 5101/2018

VAIBHAV DATTANI & ANR. Petitioners

versus

STATE & ANR Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Pratyush Miglani with Mr. Nikhil Varma, Advocates

For the Respondents : Mr. Kewal Singh Ahuja, APP for State
Mr. Yogender Mishra, Advocate with
Mr. Moti Lal Saini, AR

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

05.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 33640/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5101/2018

1. Petitioners seek quashing of FIR No. 80 of 2017 under Sections 406/420/34 of the IPC registered at Police Station Amar Colony, New Delhi, based on a settlement.

2. The allegations in the FIR are that there was a commercial transaction between the complainant and the petitioner whereas certain goods were supplied by the complainant to the petitioner and the cheques issued by the petitioner had dishonoured.

3. Learned counsel for the parties submit that the parties have settled their disputes. Terms of settlement are recorded in the order dated 05.09.2018 in Bail Application No. 1222/2017 titled *Vaibhav Dattani Vs. State*.

4. As per the settlement, petitioners have agreed to pay the balance outstanding amount of Rs. 9 lacs. A sum of Rs. 4,50,000/- had already been paid at the time when the settlement was recorded. Balance amount of Rs. 4,50,000/- has been paid today in court by way of three demand drafts bearing nos. 007162 dated 24.09.2018 for Rs. 1,50,000/-; 829087 dated 18.09.2018 for Rs. 1,50,000/- and 643142 dated 07.09.2018 for Rs. 1,50,000/- drawn on HDFC Bank.

5. Respondent no. 2 is present in Court in person, represented through her Manager who is the Power of Attorney holder, in whose favour power of attorney dated 01.10.2018 has been executed. He submits that she has settled the disputes with the petitioners and does not wish to prosecute the complaint any further and has no objection to the quashing of the subject FIR.

6. In view of the fact that the parties have resolved their disputes

and respondent No. 2 does not wish to press her 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 there from.

7. In view of the above, the petition is allowed. FIR No. 80 of 2017 under Sections 406/420/34 of the IPC registered at Police Station Amar Colony, New Delhi and the consequent proceedings emanating there from are quashed.

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

OCTOBER 05, 2018
'rs'

SANJEEV SACHDEVA, J