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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5727/2018

RAJESH KUMAR GIRI

..... Petitioner

Through : Mr.Kumardeb Sengupta,
Mr.Bikramdeb Sengupta,
Advocates.

versus

GNCT OF DELHI & ANR

.... Respondents

Through : Mr. Kamal Kumar Ghai, APP
for State with IO/SI
M.K.Manoj, P.S. Preet Vihar,
Delhi.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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10.12.2018

1. Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure ,1973 for quashing FIR No. 575/2009 dated 24.10.2009 under Section 408 of the Indian Penal Code, 1860 ('IPC') registered at Police Station Preet Vihar, Delhi and all the consequential proceedings emanating therefrom.
2. Learned counsel for the petitioner submitted that the parties have amicably settled the matter vide Settlement Deed dated 12.04.2018 on their own free will, without any undue pressure, force or coercion.
3. Respondent No.2, who is present in person, submitted that the

settlement has been arrived at between the parties on their own free will, without any force, pressure or coercion and he has already received the money from the petitioner in terms of the settlement between the parties and nothing is due from the petitioner. Respondent No. 2 further submitted that he does want to pursue the matter further and want to live peacefully as a good citizen and the FIR in question may be quashed and the petition may be allowed.

4. The Investigating Officer present in the court has identified the respondent No. 2 and the petitioner and has also verified about the settlement arrived at between the parties.

5. In view of the aforesaid circumstances, the settlement arrived at between the parties and the fact that the parties are living happily and peacefully as good citizens, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, FIR No. 575/2009 dated 24.10.2009 under Section 408 IPC registered at Police Station Preet Vihar, Delhi and all the consequential proceedings emanating therefrom are quashed subject to the payment of costs of Rs.5,000/- by the petitioner payable to Delhi Police Martyr's Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within a period of 10 days from today. The receipt thereof shall be filed in the Registry of this Court within two weeks. A copy of the receipt of the payment of the costs shall also be handed over to the learned APP for the State through the IO of the case within a period of three weeks. In case, the costs are not deposited, the learned APP for the State is at

liberty to move an appropriate application in this regard.

6. This petition is accordingly, disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 10, 2018

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