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

+ CRL.M.C. 5525/2018 & CrI.M.A No.35293/2018 (for exemption)

PIYUSH SINGH & ORS

..... Petitioners

Through: Ms.Kalpana, Adv. with petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Amit Chadha, APP for the State with SI Rajender Singh, PS Malviya Nagar.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.10.2018

1. Vide the present petition, the petitioner prays for quashing of the Complaint Case no.17/1/2018 under Sections 420/465/471 IPC registered at PS Malviya Nagar and proceedings arising out of the said complaint case on the basis of a settlement arrived at between the parties before the Mediation Centre, Saket Courts.

2. Ms.Kalpana, learned counsel for the petitioners submits that there was various business dealings between the petitioners and the respondent no.2/complainant, but due to some misunderstanding, a complaint against the petitioners was lodged, which was made by the respondent no.2 before the Economic Offences Wing, leading to the aforesaid FIR.

3. Learned counsel for the petitioners submits that the dispute between the parties now stands resolved vide settlement arrived at on 05.03.2018 with the assistance of the Mediation Centre, Saket Courts. She submits that pursuant to the aforesaid settlement before the Mediation Centre, a Memorandum of Understanding was also entered into between the parties on 07.04.2018, wherein the petitioners herein have specifically undertaken to do some social welfare for needy children by contributing 20,000/- yearly help in respect of the two children named therein. The petitioners have however, now, voluntarily agreed to enhance the amount to Rs.25,000/- per year.

4. At this stage, learned counsel for the parties submit that since the students referred to in the MOU are based in Rajasthan, it may be difficult to monitor whether the petitioners are abiding by their undertaking and therefore, have agreed that the aforesaid agreed amount be paid to the Institution for Blind, Amar Colony, Lajpat Nagar-4, New Delhi-110024 for the welfare of blind children for the next five years beginning November, 2018.

5. The petitioners and the respondent no.2 are present in Court and have been duly identified by the Investigating Officer. I have interacted with the respondent no.2 who submits that he has entered into the aforesaid agreement voluntarily and he has received the entire agreed amount payable to him and he therefore, prays that subject to the petitioner's abiding by their aforesaid undertaking, the complaint case and the proceedings arising therefrom be quashed.

6. Having considered the submissions of the learned counsel for the parties and keeping in view the fact that the parties have already

entered into a settlement wherein they have decided to resolve their differences amicably and especially the fact that the complainant/respondent no.2 himself wishes that the proceedings should not continue further, I am of the considered opinion that no fruitful purpose will be served in prolonging the aforesaid criminal proceedings. Ends of justice demand that the aforesaid complaint case and all the consequential proceedings be quashed.

7. For the aforesaid reasons, the petition is allowed and the Complaint Case no.17/1/2018 under Sections 420/465/471 IPC registered at PS Malviya Nagar and proceedings arising out of the said complaint case are quashed, subject to the petitioners depositing a sum of Rs.25,000/- with the Delhi Police Martyr's Fund, A/c No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within two weeks from today. A copy of receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

8. The petition and the pending application are disposed of.

9. The parties are directed to sign on the order sheet.

REKHA PALLI, J

OCTOBER 30, 2018

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