

\$~21

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

+ **CRL.M.C. 5546/2018 & CRL.M.A. 50632/2018**

**SUSHIL KHURANA**

..... Petitioner

Through: Mr. Sumit Gaba, Adv. with  
petitioner in person

versus

**THE STATE & ORS**

.... Respondents

Through: Mr. Kamal Kumar Ghei, APP  
with SI Babita, PS Rajouri  
Garden, New Delhi  
R-2 in person

**CORAM:**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

%

**21.12.2018**

**CRL.M.A. 50632/2018 (for early hearing of the petition)**

In view of the grounds stated in the application, the present application is allowed. Application stands disposed of.

**CRL.M.C. 5546/2018**

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.425/2018 under Sections 323/354/506/509 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Rajouri Garden, New Delhi and the proceedings emanating therefrom.

2. The learned counsel for the petitioner and respondent No.2 submitted that the parties have settled their disputes on their own free will, without any force or coercion and they do not want to contest the

afore-mentioned FIR and the proceedings arising therefrom, for the betterment of their future.

3. The respondent No.2, present in the Court, also reiterated the aforesaid facts and submitted that the settlement was arrived at between the parties on their own free will, without any force, pressure or coercion and in terms of the settlement arrived at between the parties, the present petition may be allowed and the aforesaid FIR may be quashed.

4. The Investigating Officer ('IO'), who is present in Court, has identified the petitioner as well as respondent No.2. The IO was asked by this Court to verify about the settlement between the parties from the respondent No.2. The IO, after spending almost more than half an hour with the respondent No.2, stated that the respondent No.2 has settled the matter on her own free will, without force or coercion and she is interested in the quashing of the aforesaid FIR. The IO further stated that the petitioner does not have any criminal case pending against him.

5. In view of the aforesaid circumstances, the settlement arrived at between the parties and taking into consideration the intention of the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.425/2018 under Sections 323/354/506/509 of the IPC, registered at Police Station Rajouri Garden, New Delhi and all the consequential proceedings arising out of the FIR are quashed, subject to the condition that the

petitioner shall deposit, within 15 days, a sum of Rs.5,000/- with the Advocates' Welfare Fund, Bar Council of Delhi bearing A/c No.010104000269810, UCO Bank, Delhi High Court Branch and a sum of Rs.5,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and the receipts of the said deposits be filed in the Registry within 20 days. A copy of the said receipts shall also be handed over to the APP through the I.O. within 20 days. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

6. Petition is disposed of in above terms.

**CHANDER SHEKHAR, J**

**DECEMBER 21, 2018/rk**