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

+ **CRL.M.C. 5703/2018**

GYAN SINGH @ THEKEDAR & ORS Petitioners
Through **Mr.Pradeep Kumar, Adv. with**
petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents
Through **Ms.Manjeet Arya, APP for the State.**
SI Bharat Lal, PS Hauz Khas.
Mr.Pratiksha Chaturvedi, Adv. for R-
2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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14.11.2018

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.407/2009 u/s 379/468/471/120-B IPC registered at P.S. Hauz Khas, New Delhi and all proceedings emanating therefrom, on the basis of a settlement entered into between the parties as recorded before the learned Metropolitan Magistrate on 23rd March, 2018.

2. Learned counsel for the petitioners submits that the petitioners had been falsely implicated as they never had any interaction with the respondent no.2/complainant. It is contended that it is only Mr.Anil Kumar/petitioner no.5, who was an employee of respondent no.2 and had dealings with the respondent no.2. Learned counsel for the

petitioners further submits that Shri Anil Kumar who is still absconding, has been erroneously arrayed as petitioner no.5 even though neither the petition has been signed by him nor any vakalatnama has been executed by him authorising the learned counsel to appear on his behalf. He, therefore, prays that the name of petitioner no.5 be deleted from the array of parties. At the oral request of learned counsel for the petitioners, the name of Mr. Anil Kumar, who has in any event not signed the petition, is deleted from the array of parties. The Registry is directed to delete the name of petitioner no.5 from the memo of parties.

3. Learned counsel for the petitioners submits that the petitioner nos.1 to 4 and respondent no.2 have resolved their disputes and the respondent no.2 has received the entire agreed amount as per the settlement entered into between the parties as recorded before the learned Metropolitan Magistrate on 23rd March, 2018. He, therefore, prays that the aforesaid FIR and all consequential proceedings be quashed.

4. The petitioner nos.1 to 4 as also the respondent no.2 alongwith his counsel are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2, who states that he has resolved all his differences with the petitioner nos.1 to 4 out of his own free will and their settlement has been recorded before the learned Metropolitan Magistrate on 23rd March, 2018. He further states that he does not want the criminal proceedings against the petitioners to continue as the same would cause hardship to him and will disrupt his business activities.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the captioned FIR emanates from a money dispute, in which no specific role has been attributed to petitioner nos.1 to 4, as also the fact that the matter already stands resolved between the petitioner nos.1 to 4 and respondent no.2, no useful purpose would be served in continuing the criminal proceedings against petitioner nos.1 to 4. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed against petitioner nos.1 to 4.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and the proceedings emanating therefrom qua petitioner nos.1 to 4 are quashed, subject to the petitioners nos.1 to 4 paying a sum of Rs.10,000/- each as costs to the Delhi High Court Advocates Welfare Trust within four weeks. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 14, 2018/aa