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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5684/2018 & CRL.M.A. No.35908/2018 (for exemption)

SH. DEEPAK

..... Petitioner

Through

Mr.Ajay M. Lal, Adv. with petitioner
in person.

versus

STATE & ANR.

..... Respondents

Through

Mr.Raghuvinder Verma, APP for the
State with SI Ajit Singh, PS Mehrauli.
Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.11.2018

1. By way of the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.1556/2016 registered under Sections 354/354-A/323/506/509 IPC at Police Station Mehrauli, New Delhi, on the basis of a Memorandum of Understanding dated 30th August, 2018.
2. Learned counsel for the petitioner submits that the petitioner was known to the respondent no.2 as the respondent no.2's husband was the petitioner's friend and there was some small amount which was payable by the petitioner to the respondent no.2. He says that since the petitioner was unable to pay the same due to financial difficulties, the respondent no.2 in the heat of the moment, filed a complaint against him, leading to the registration of the aforesaid FIR. He submits that, however, subsequently with the intervention of common friends, the matter has been resolved by the parties and they have entered into a Memorandum

of Understanding dated 30th August, 2018. He, therefore, prays that the captioned FIR and consequential proceedings be quashed.

3. The petitioner as also 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 she has entered into the settlement out of her own free will. She further submits that the petitioner is her husband's friend and she does not want to pursue the criminal proceedings any further as it will not only create further acrimony between the parties but also cause grave hardship to her.

4. I have considered the submissions of the learned counsel for the petitioner and perused the records. Keeping in view the fact that the petitioner and the complainant were known to each other and the complaint appears to be an offshoot of a money dispute which has now been resolved, in my opinion no useful purpose would be served in continuing with the criminal proceedings.

5. For the aforesaid reasons, the petition is allowed and the captioned FIR and the proceedings emanating therefrom are quashed, subject to the petitioner paying a sum of Rs.10,000/- as costs to Delhi Police Martyrs Fund 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.

6. The petition along with the pending application is disposed of in the above terms.

NOVEMBER 13, 2018/aa

REKHA PALLI, J