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

+ **W.P.(CRL) 2603/2017**

SANJAY NARAIN & ANR

..... Petitioner

Represented by: Mr. Rajesh Kumar, Mr. Sanjay Singh, Ms. Santwana, Advs.

versus

STATE NCT OF DELHI & ANR

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with Mr. Sidharth Sindhu, Adv. with Insp. Mahesh Kumar PS
DIU/Outer Distt.
Mr. Sahel Kakkar, Adv. for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.04.2018

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By the present petition the petitioners seek quashing of FIR No. 90/2014 under Sections 420/468/471/120B/34 IPC registered at PS Mianwali Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the petitioner No.1/ Sanjay Narain and petitioner No.2 the company i.e. M/s. Vakratund Infrastructure Pvt. Ltd. are

W.P.(CRL) 2603/2017

page 1 of 3

the only two accused and respondent No.2 i.e. the Sainik Welfare Organization India is the complainant who had filed the FIR through its then authorized officer namely Devender Kumar Saini.

Arun Nandrajog, authorized representative of respondent No.2/ Sainik Welfare Organization India is present in Court and is identified by the learned counsel. Authorization in favour of Mr. Arun Nandrajog has been filed on 12th April, 2018. Arun Nandrajog states that the parties have settled the matter before the Mediation Centre, Tis Hazari Courts and copy of the settlement agreement has been placed on record as Annexure A to the present petition from pages 32 to 44 of the paper book. In terms of the settlement the petitioners had agreed to return the amount of ₹5.25 crores. Out of the said amount ₹3 crores had been paid and demand draft of ₹2.25 crores were deposited during the course of hearing of the bail application before the learned ASJ Nivedita Anil Sharma. Authorized representative of respondent No.2 states that in view of the settlement arrived at between the parties as noted, the respondent No.2 does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and would abide by the terms of settlement.

Petitioner No.1/ Sanjay Narain on behalf of himself and as Managing Director of petitioner No.2/ M/s. Vakratund Infrastructure Pvt. Ltd. affirms the statement of Mr. Arun Nandrajog and undertakes to abide by the terms of settlement arrived at between the parties before the mediation Centre, Tis Hazari Courts copy whereof is annexed as Annexure A to the present petition. He further assures that they will cooperate with the authorized representative of the respondent No.2 in withdrawal of the demand drafts for

W.P.(CRL) 2603/2017 ***page 2 of 3***

a sum of ₹2.25 crores lying before the learned Additional Sessions Judge.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 90/2014 under Sections 420/468/471/120B/34 IPC registered at PS Mianwali Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 13, 2018
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