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

+ **CRL.M.C. 5825/2018 & CrI.M.A. No.47620/2018**

MUKESH ARNEJA

..... Petitioner

Through: Mr.Jeetender Gupta, Adv. with
petitioner in person.

versus

STATE & ORS

..... Respondents

Through: Mr.Amit Chadha, APP for the State
with SI Subash Chander, PS Model
Town.
Mr.Sandeep D. Das, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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20.11.2018

1. Vide the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.0077/2017 under Section 408 of the IPC registered at Police Station Model Town, Delhi and all proceedings emanating therefrom, on the basis of a settlement deed executed by the parties on 02.11.2018.

2. Learned counsel for the petitioner submits that the petitioner and the respondent no.2 are closely related and were carrying on business under the name of M/s Magna Marketing, a partnership firm wherein their respective wives, namely Ms.Simi Arneja and Ms.Ritu Arneja, were partners. He submits that the said firm had provided a car bearing No.DL4C AG 4868 to the petitioner's wife for her day to

day use, but due to a subsequent misunderstanding, a complaint was lodged by the respondent no.2 alleging misappropriation of property by the petitioner. However, when no action was taken by the local police, the respondent no.2 approached the learned Metropolitan Magistrate by way of an application u/s 156 (3) CrPC, which was dismissed. The respondent no.2 had thereafter approached the learned ASJ by way of a revision petition which was allowed and it is the petitioner who then approached this Court, which vide its order dated 13.12.2017 modified the order passed by the learned ASJ by directing the police authorities to file a fresh status report. Based on the fresh investigation, the captioned FIR was registered against the petitioner.

3. Learned counsel for the petitioner further submits that subsequently, with the intervention of family members, the parties who are close relatives, have now resolved their disputes and have entered into a settlement on 02.11.2018, whereby they have decided to part ways amicably. Furthermore, it has been specifically stated in the settlement agreement that after the sale of the vehicle in question and the quashing of the aforesaid FIR, a deed of resolution dissolving the partnership firm will be executed by the parties. He, therefore, prays that the FIR and consequential proceedings be quashed.

4. The petitioner as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. The respondent no.2 is also represented by his counsel. I have interacted with the respondent no.2 who submits that he has resolved his disputes with the petitioner out of his own free will and has entered into the

aforesaid settlement without any coercion. He further states that he will remain bound by the terms of the settlement arrived at by the parties. Furthermore, since the parties have decided to part ways and the vehicle in question has already been returned to him, he does not want the criminal proceedings to continue any longer as it would lead to further acrimony in their family. He, therefore, prays that the captioned FIR and consequential proceedings be quashed.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the FIR emanates basically from a civil dispute between close relatives which already stands resolved, I find that no useful purpose will be served in continuing with the criminal proceedings. In my opinion, the ends of justice demand that the captioned FIR and consequential proceedings be quashed. The parties will remain bound by the terms of the settlement.

6. 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.20,000/- as costs to the Delhi High Court Staff Welfare Fund within one week. 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 along with the pending application is disposed of in the above terms.

NOVEMBER 20, 2018/gm

REKHA PALLI, J