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

+ **CRL.M.C. 4458/2017**

AVTAR SINGH & ORS.

..... Petitioners

Through : Mr R.S.Chaggar, Advocate with all
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through : Mr Arun Kumar Sharma, Addl. PP
for the State.
Mr Sunil Khanna, Advocate for R-2.
SI Pawan Kumar, PS Vijay Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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30.01.2018

CRL.M.C. 4458/2017 & Crl. M.A. 17863/2017(stay)

1. The petitioners seek quashing of FIR No.502/2012 under Sections 406/498A/34 IPC, Police Station Vijay Vihar.
2. Respondent No.2 was married to Shri Harjinder Singh, who has since expired. Petitioners are the relatives of late Shri Harjinder Singh.
3. Parties have settled their disputes through the process of Mediation at the Delhi Mediation Centre, Rohini District Courts, Delhi.
4. The Settlement Agreement dated 10.06.2016 has been executed between the parties.

5. In terms of the Settlement, respondent No.2 was to be transferred the original documents of the property bearing Khasra No.16/22, Khatoni 666/921, Jamabandi 2009-2010, Gali No.4, Dashmesh Nagar, Adarsh Nagar, Tehsil/Zila Kot Khalsa, Amritsar, Punjab.

6. It is contended by counsel for the parties that though in the Settlement Agreement, the area of the said property was mentioned as 83 sq.yds., however, the said property is in fact 56.3 sq.yds., as is recorded in the Original Title Deed, i.e. Sale Deed dated 10.07.2014 executed by Ms Ashi, wife of Shri Ravinder Kumar (seller) in favour of respondent No.2 and her husband jointly through Shri Avtar Singh, petitioner No.1 herein.

7. It is contended by learned counsel for the petitioners that mother of late Shri Harjinder Singh had pre-deceased him.

8. The petitioners confirm that on death of late Shri Harjinder Singh, his undivided share in the said property has devolved on respondent No.2, solely, absolutely and forever.

9. The petitioners are present in person in Court today. They undertake that they have no right, title or interest in the said property and shall not claim any right, title or interest in the said property, and respondent No.2 shall be the sole and absolute owner of property bearing Khasra No.16/22, Khatoni 666/921, Jamabandi 2009-2010, Gali No.4, Dashmesh Nagar, Adarsh Nagar, Tehsil/Zila Kot Khalsa, Amritsar, Punjab. The petitioners further undertake that they have not executed any document or created any third party interest adverse to the title or interest of respondent No.2. The statement is taken on record and the undertaking is accepted.

10. Respondent No.2 is present in Court in person, is represented by

counsel and identified by the Investigating Officer. She confirms that the dispute between the parties has been settled and she confirms that she has received the original Title Deed of the said property in Court today. The Original Title Deed has been handed over in Court today.

11. In view of the above and keeping in view of the fact that the parties have settled their disputes through the process of Mediation at the Delhi Mediation Centre, Rohini District Courts, Delhi vide Settlement Agreement dated 10.06.2016 , and respondent No. 2 does not wish to press her complaint, against petitioners, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating there from.

12. Accordingly FIR No.502/2012 under Sections 406/498A/34 IPC, Police Station Vijay Vihar and the consequent proceedings emanating there from are hereby quashed.

13. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 30, 2018

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