

25# \$~

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

+ **W.P.(CRL) 3024/2017**

MANOJ KUMAR MISHRA

..... Petitioner

Represented by: Mr. Nipun Bhardwaj, Advocate with
petitioner in person.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr.R.S. Kundu, Additional Standing
Counsel for State with Mr. Mayank
Mittal and Mr. Bhagat Singh,
Advocates with SI Amit Dutt, PS
Lajpat Nagar.
Ms. Garima Prasad and Mr. Abhinav
Singh, Advocates for respondent No.2
with respondent No.2 in person.
Mr. Bakul Jain, Advocate for
respondent Nos. 3 and 4 with
respondent Nos. 3 and 4 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.10.2018

%

By the present petition, petitioner and respondent Nos. 3 and 4 seek quashing of FIR No. 206/2017 under Sections 420/406/34 IPC registered at PS Lajpat 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 from Investigating Officer submits that in the above-noted FIR the petitioner

W.P.(CRL) 3024/2017

Page 1 of 3

and respondent Nos. 3 and 4 were arrayed as accused however, during the course of investigation it has been revealed that the offence was substantially committed by the petitioner and not the respondent Nos. 3 and 4. He states that respondent No.2 is the only complainant/victim.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. He states that he has settled the matter with the petitioner vide Settlement Deed dated 13th October, 2017, copy whereof is annexed as Annexure-B to the present petition and in view of this holistic settlement he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto qua the petitioner and the respondent Nos. 3 and 4. In terms of the settlement respondent No.2 has received a total sum of ₹40 lakhs from the petitioner and he has no claims whatsoever against the petitioner and respondent Nos. 3 and 4 and undertakes to abide by the terms of settlement.

Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of the settlement arrived at between the parties. Respondent Nos. 3 and 4 are also present in Court and are identified by the learned counsel and the Investigating Officer. They also affirm the statement of respondent No.2. To show remorse the petitioner undertakes to deposit some costs also.

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, 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. 206/2017 under Sections 420/406/34 IPC registered at PS Lajpat Nagar, Delhi and proceedings pursuant thereto are hereby quashed qua the petitioner and respondent Nos. 3 and 4 subject to the petitioner depositing a cost of ₹20,000/- with the Chief Minister's Distress Relief Fund, Kerala within three weeks. Receipt thereof will be placed on record.

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

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 03, 2018

‘vn’