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

+ **CRL.M.C. 4936/2017**

SUNAINA CHAUDHARY & ANR

..... Petitioners

Through: Ms. Amita Gupta, Mr. Raghav
Narayan and Mr. Madhav Narayan,
Advs.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Akshai Malik, Addl. PP for the
State with SI Raj Kumar
Mr. Rakesh Kumar with Mr. K.
Mahesh, attorney of the complainant

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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09.03.2018

1. The petitioner seeks quashing of FIR No. 391 of 2007 under Sections 406/420/468/471/506/120B of the IPC Police Station Mehrauli, New Delhi, based on a settlement.

2. Petitioner no. 2, husband of petitioner no. 1 is present in Court in person. Petitioner no. 1 claims exemption from personal appearance for medical reasons. In view of the above, petitioner no. 1 is exempted from personal appearance.

3. It is contended that a memorandum of settlement dated 17.09.2011 has been executed between the parties. Respondent no. 2 is aged 82 years of age and as per the report of the Assistant

Divisional Medical officer of the North-Eastern Railways Lucknow, respondent no. 2 is suffering from several ailments. Learned counsel for respondent no. 2 submits that respondent no. 2 is not in a position to travel and to give a statement. She has executed a special power of attorney dated 19.02.2018 authorising her son Mr. K. Mahesh to appear before the Court and consented to the quashing of the said FIR. Original power of attorney and the medical certificate are taken on record.

4. Mr. K. Mahesh, son and attorney of Respondent no. 2 is present in person in Court today and is identified by his counsel. He submits that his mother has settled the disputes with the petitioner and confirms the settlement agreement dated 17.09.2011. As per the agreement, a total sum of Rs. 21 lakhs was to be paid to respondent no. 2. The entire amount already stands paid. The receipt of which is acknowledged by Mr. K. Mahesh, attorney of respondent no. 2. He submits that he does not wish to press the criminal complaint against the petitioners any further.

5. In view of the fact that the disputes between the parties have been settled, 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 also be expedient to quash the subject FIRs and the consequent proceedings emanating therefrom.

6. In view of the above, the petition is allowed. FIR No. 391 of 2007 under Sections 406/420/468/471/506/120B of the IPC Police Station Mehrauli, New Delhi and the consequent proceedings emanating therefrom are, accordingly quashed, subject to the petitioners jointly depositing cost of Rs. 20,000/- with the “*Prisoners Welfare Fund, Jail No. 13, Mandoli*”, Mangal Pandey Marg, Harsh Vihar, Village Mandoli, Delhi within three weeks. The receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of four weeks from today.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 09, 2018

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