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

+ CRL.M.C. 5152/2017

HARISH SHARMA

..... Petitioner

Through Mr. Bharat Sharma, Adv with
petitioner in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through Mr. M S Oberoi, APP for State
Insp. Umesh Sharma, EOW
Mr. Navin Sharma, Adv for R-2
Mr. Manoj Sharma, AR of R-2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.02.2018

It is submitted that the property deal between the petitioner and respondent no.2 led to registration of FIR No.45/2016 under section 420/406/468/120B IPC at Economic Offence Wing on the complaint of respondent no.2. Petitioner and respondent no.2 have now settled their disputes amicably vide settlement deed dated 1st December, 2017, in as much as settlement amount has been paid by petitioner to respondent no.2. It is therefore, prayed that the aforesaid FIR and consequent proceedings emanating therefrom may be quashed.

Learned APP submits that No Objection Certificate (NOC), purportedly issued by the Airport Authority of India was produced but the same was in fact a forged document. It is contended that the FIR

may not be quashed.

Learned counsel for the petitioner and learned counsel for respondent no.2 says that no person, who had allegedly forged the NOC, could be identified during the investigation, in as much as no government agency has suffered any loss. It was a deal between the two private parties which could not be materialised and now since the matter has been settled, therefore, the aforementioned FIR may be quashed. It is submitted that no fruitful purpose would be served by keeping criminal proceedings pending against the petitioner which was primarily based on a commercial transaction between two private individuals.

Mr. Manoj Sharma, Manager (Admn.) is present in the Court and has been identified by Inspector Umesh Sharma of EOW. Mr. Manoj Sharma has produced true copy of Board Resolution dated 30th May, 2017 of the respondent no.2, thereby authorising him to represent the respondent no.2 in the court of law. Respondent no.2 had got the FIR registered through Mr. Manoj Sharma. Mr. Manoj Sharma submits that the settlement has been arrived voluntarily and without any force or coercion. He has admitted his signatures on the settlement deed. He further admits that respondent no.2 has already received the entire settled amount of ₹2.25 crores. He says that respondent no.2 has no objection in case FIR is quashed.

Keeping in mind the nature of disputes involved in the FIR and the settlement, in my view, no fruitful purpose would be served in keeping the criminal proceedings pending against the petitioner, in the interest of justice, FIR No.45/2016 under section 420/406/468/120B

IPC at Economic Offence Wing and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J

FEBRUARY 07, 2018

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