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

+ **CRL.M.C. 879/2018**

SHIVANI PURI & ORS

..... Petitioners

Through: Mr.Sikandar Khan & Mr.Daviender
Hora, Advs. with petitioners in
person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS..... Respondents

Through: Mr.Raghuvinder Verma, APP with SI
L. Bou & SI Yad Ram Yadav, PS
EOW.
Mr.Lakshay Virmani, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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10.12.2018

1. Vide the present petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.404/2012 u/s 420/120B IPC registered at P.S. Safdarjung Enclave, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties before this Court in Bail Appl. No.1800/2013.

2. Learned counsel for the petitioners submits that the petitioner nos.1 and 2 are the owners of agricultural land measuring 15 kanals and 7 Marla in District Sohna, Haryana and had received an amount of Rs.1 crore from the respondent no.2. According to the petitioners,

the aforesaid amount was given by way of a loan, whereas according to the respondent no.2, the same was towards sale consideration for the aforesaid property. In view of the aforesaid different versions of the parties, disputes arose between them leading to the filing of a complaint by the respondent no.2, based on which the captioned FIR was registered against the petitioners.

3. Learned counsel for the petitioners submits that the parties have subsequently entered into a voluntary settlement, the terms whereof stand duly recorded in the order dated 30.09.2013 passed by this Court in Bail Appl. No.1800/2013. He submits that as per the settlement, the entire amount of Rs.1 crore along with upto date interest stands returned to the respondent no.2. He also states that the petitioners volunteer to pay any costs that may be directed by this Court and, therefore, prays that the captioned FIR and all proceedings emanating therefrom be quashed.

4. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer from the EOW Cell. The respondent no.2 is also represented by a counsel. I have also interacted with the respondent no.2 who states that he has resolved his disputes amicably with the petitioners and since he has received back the entire amount paid by the petitioners, he does not want the criminal proceedings to continue as the same will cause hardship to him. He, therefore, prays that the FIR and consequential proceedings be quashed.

5. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the FIR

emanates primarily from a civil dispute which has now been amicably resolved between the parties as also the fact that the respondent no.2/complainant himself does not want the criminal proceedings to continue, no useful purpose will be served in continuing the criminal proceedings. The ends of justice demand that the captioned FIR and all consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and all proceedings emanating therefrom are quashed, subject to the petitioners paying a sum of Rs.1 lakh as costs to the Delhi High Court Bar Association Employees Welfare Fund within one week from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

7. The petition is disposed of along in the above terms.

REKHA PALLI, J

DECEMBER 10, 2018

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