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

Date of decision: 12.12.2019

+ CRL.M.C. 6178/2019

SHASHI GODARA

..... Petitioner

Through Mr.R.K. Lamba, Adv.

versus

STATE & ANR.

..... Respondents

Through Mr. Panna Lal Sharma, APP for State.
Insp.Subeer Ojaswi ASI Jai Prakash
PS Dwarka.
Mr.Hari Om, Adv. for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioner seeks direction thereby quashing FIR No.96/2018 dated 01.04.2018, registered at PS – Sector-23, Dwarka, for the offences punishable under Sections 392/411 IPC and all other proceedings emanating therefrom.
2. Notice issued.
3. Notice is accepted by learned APP for the State and counsel for the respondent no.2.

4. With the consent of the counsel for the parties, the present petition is taken up for final disposal.
5. The present petition is filed on the ground that the parties have settled their disputes and the respondent No.2 has no objection if the present petition is allowed.
6. Respondent No.2 is personally present in Court with learned counsel and he has been identified by ASI Jai Prakash/IO and submits that matter has been settled and he does not wish to prosecute the matter any further.
7. The petitioner and respondent no.2 have entered into an amicable settlement vide settlement deed dated 18.11.2019.
8. Learned APP for the State has opposed the present petition and submits that another case vide FIR No.230/2018 registered at Police Station, Sector 23, Dwarka for the offence punishable under section 380 IPC pending against the petitioner, hence, he is a habitual offender.
9. He further submits that if this Court is inclined to quash the FIR, heavy cost may be imposed upon the petitioner because government machinery came into motion and due to the offences committed by the petitioner, public time has been consumed.
10. Counsel for the petitioner has produced order dated 05.12.2019

passed by learned ACMM, South-West, Dwarka wherein it is stated by the parties that matter has been settled and in terms of which the accused has undertaken to pay a sum of Rs.60,000/- out of which Rs.20,000/- each to the complainant for compounding of the offence. Accordingly, matter is directed to be listed on 09.01.2020 for making of the said payment and recording statement of the parties in case F.I.R no. 230/2018 registered at Police Station Sector 23, Dwarka.

11. Counsel for the petitioner, on instructions from the petitioner who is present in Court, has come forward and is ready to deposit an amount of Rs.50,000/- for the welfare purpose.

12. Accordingly, the petitioner is directed to deposit an amount of Rs.50,000/- within four weeks from today and proof of the same shall be produced before the Trial Court and copy of the same be given to the IO concerned.

13. Out of the said amount, an amount of Rs.15,000/- shall be paid in favour of 'Delhi Police Martyr Fund' and Rs.25,000/- shall be paid in favour of the complainant and an amount of Rs.10,000/- in favour of Delhi High Court Legal Services Committee.

14. Taking into account the aforesaid facts, this Court is inclined to quash

the concerned FIR as no useful purpose would be served in prosecuting the petitioner any further.

15. For the reasons afore-recorded, the FIR No.96/2018 dated 01.04.2018, registered at PS – Sector-23, Dwarka, for the offences punishable under Sections 392/411 IPC and consequent proceedings emanating therefrom are quashed.

16. The petition is allowed and disposed of accordingly.

17. Order *dasti*

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 12, 2019
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