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

Date of decision: 25.11.2019

+ CRL.M.C. 5987/2019
ASHOK KUMAR BAGDI & ORS

..... Petitioner

Through: Mr. Sujeet Kumar Mishra, Mr.
Thakur Ankit Singh, Advocates

versus

STATE & ANR

..... Respondent

Through: Mr. Hirein Sharma, Additional Public
Prosecutor for the State with SI Anil
Kumar PS BHD Nagar, Delhi.
Respondent no.2 in person

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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

CRL. M.A. 41048/2019

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

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3. Vide the present petition, the petitioner seeks direction thereby quashing FIR No. 46/2016 dated 01.02.2016 , registered at PS Baba Haridas

Nagar and all other proceedings emanating therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for the State.

6. The learned Additional public prosecutor has opposed the present petition and submits that the complainant had filed the complaint in the year 2009 under Section 156(3) Cr.P.C. for lodging the FIR against the petitioner and in the year 2016 FIR was lodged. Thus, the Government machinery came into force in the year 2009 itself, due to the offence committed by the petitioners. A lot of time and money has been wasted. He further submits that if this court is inclined to quash FIR, heavy cost be imposed upon the petitioner.

7. Learned counsel appearing on behalf of the petitioner has come forward and submits that the petitioner no.1, 2 and 4 are ready to pay an additional amount of ₹.50,000/- each in favour of the complainant.

8. It is not in dispute that the complainant has already paid an amount of ₹.2,70,000/- in the year 2008 for purchasing the piece of land and now in 2019, the settlement has taken place on an amount of ₹.3,80,000/-. As stated by the complainant, who is present in court, she borrowed an amount of ₹.2,70,000/- on interest and thereafter constructed a wall upon the land.

Moreover, she went pillar to post from 2009 onwards to get the justice, thus spent lot of money in litigation.

9. At this stage, learned counsel for the petitioners on instructions submit that the petitioners are ready to pay further ₹.50,000/- each in favour of the complainant/respondent no.2.

10. Accordingly the petitioners, as mentioned above, are directed to pay an amount of ₹.50,000/- each to the complainant within a period of four weeks from today. In view of the above, the FIR No. 46/2016 is hereby quashed.

11. As stated in the petitioner, Petitioner No.4 is in custody. Accordingly, the Jail Superintendent is directed to release the petitioner No.4 forthwith.

12. I hereby made it clear that payment to the complainant shall be made by way of Demand Draft and receipt of the same shall be deposited with the IO of this case.

13. I further make it clear that if the amount is not paid as agreed by the aforesaid petitioners within time, the State would be at liberty to move the application to take action against the defaulter as per the law.

14. A copy of this order shall be communicated to the Jail Superintendent for compliance.

15. The petition stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 25, 2019

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