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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 552/2019**

KANHIYA LAL & ORS. Petitioners
Through: Mr. Hem C. Vashisht,
Advocate

versus

STATE & ANR. Respondents
Through: Mr. Kamal Kumar Ghai, APP
with SI Ravi Yadav, PS:K.M.
Pur, Delhi
Mr. Rohit Khatana, Advocate
for respondent No.2

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **01.02.2019**

CRL.M.A. 2309/2019

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 552/2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.651/2015, under Sections 408/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: K.M. Pur, Delhi and the proceedings emanating therefrom.

2. The petitioners and Mr. Om Prakash, who is the president of respondent No.2 Society, as well as their respective counsel

submitted that the parties have settled their disputes on their own free will, without any force or coercion, vide Memorandum of Understanding/Settlement dated 6.10.2017. It is further submitted that the petitioners have already paid whole of the loan amount, along with interest, in full and final settlement to the society, as is evident from the letter dated 28.11.2017.

3. The president of the respondent No.2, Om Prakash, present in Court, has reiterated the aforesaid facts and submitted that in view of the settlement arrived at between the parties, he has no objection to the petition being allowed and the FIR being quashed.

4. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and has also verified the Settlement.

5. Learned APP for the State submitted that some costs should be imposed on the petitioners.

6. In view of the aforesaid circumstances, the settlement arrived at between the parties and taking into consideration the nature of the dispute as well as the socio-economic condition of the petitioners, I deem it appropriate to give a chance to the petitioners to reform and to reintegrate into the society as productive members. Hence, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the

interest of justice, FIR No. 651/2015, under Sections 408/34 of the IPC, registered at P.S.: K.M. Pur, Delhi and the proceedings emanating therefrom are quashed, subject to deposit of a sum of Rs.30,000/- within 10 days by the petitioners, out of which Rs.10,000/- shall be deposited in the Delhi High Court Advocates' Welfare Trust, Rs.10,000/- with the Prime Minister's National Relief Fund and Rs.10,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and the receipts of the deposit be filed in the Registry within three weeks. Copy of the receipts shall also be handed over to the APP through the I.O within three weeks. In case the petitioners fail to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

FEBRUARY 01, 2019

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