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

+ **W.P.(CRL) 559/2019**

HARSH GOYAL & ANR

..... Petitioner

Represented by: Mr. Praveen, Mr. Rajesh Bagga, Ms.
Elemi B. Warwah and Mr. Pranjay,
Advocates.

versus

STATE & ORS.

..... Respondent

Represented by: Mr. R.S. Kundu, ASC with Mr.
Bhagat Singh, Advocate with Insp.
Raj Kumar, PS K.M. Pur.
Mr. Rohit Kalra, Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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15.03.2019

Crl.M.A. No. 5603/2019

Notice.

Learned ASC for the State accepts notice.

By this application, the petitioner seeks restoration of the writ petition to its original position. For the reasons explained in the application the same is allowed.

Application is disposed of restoring the writ petition to its original position.

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By the present petition the petitioners seek quashing of FIR No. 13/2017 under Sections 420/467/468/471/120B IPC registered at PS K.M. Pur, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the four accused were initially arrayed which included the grand mother and father of the petitioners herein who have since passed away and thus the two petitioners are the only accused and respondent No.2 is the only complainant/ victim.

Respondent No. 2 who is present in Court and is identified by the learned counsel and Investigating Officer states that she has settled the matter with the petitioners vide the Memorandum of Understanding dated 8th May, 2017, copy whereof is annexed as Annexure-P4 to the present petition. In terms of the settlement she has received a total sum of ₹74 lakhs which she had given as part payment for the sale of property in her favour which did not fructify. She further states that she has now no claim whatsoever remaining against the petitioners and also no claim on the property bearing No. 77, Municipal Number 16A, Bapu Park (Part of Khasra No. 36,41) Triloki Colony, Kotla Mubarakpur. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto and undertakes to abide by the terms of settlement arrived at between the parties.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by

the terms of settlement arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 13/2017 under Sections 420/467/468/471/120B IPC registered at PS K.M. Pur, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 15, 2019

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