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

+ **W.P.(CRL) 567/2019**

SUBHASH CHANDER DABAS & ANR. Petitioner

Represented by: **Mr. Vijay Kasna and Mr. Manu Padalia, Advocates.**

versus

STATE & ANR. Respondent

Represented by: **Ms. Kamna Vohra, ASC with SI Mukesh Kumar, PS Dwarka South. Mr. Akil Rataieya and Mr. Mohit Singh, Advocates for R-2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
21.02.2019

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Crl.M.A. No. 3946/2019 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 378/2017 under Sections 420/406/34 IPC registered at PS Dwarka South, 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 two petitioners are the only accused and the respondent No.2 is the complainant/ victim and there are five other victims who are the brothers of respondent No. 2.

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Amended memo of parties has been handed over which is taken on record.

Authorisation is also taken on record.

Respondent No. 2 who is present in Court and is identified by the learned counsel and Investigating Officer states that he and his five brothers have entered into a settlement with the petitioners vide the Memorandum of Understanding dated 24th October, 2018, copy whereof is annexed as Annexure-P2 to the present petition. In terms of the settlement petitioners have to pay a total sum of ₹25,00,000/- in lieu of the claim of respondent No. 2 and his five brothers out of which ₹15,00,000/- has already been paid and balance amount of ₹10,00,000/- has been paid by the petitioners to the respondent No. 2 today in Court by way of cheque Nos. 057688 for ₹1,60,000/-, 057689 for ₹1,60,000/-, 057690 for ₹65,000/-, 057691 for ₹1,50,000/- , 057692 for ₹65,000/- and 057693 for ₹1,50,000/- respectively drawn on Corporation Bank dated 21st February, 2019. Petitioners state that ₹2,50,000/- has been deducted as TDS. Respondent No. 2 on his behalf and on behalf of five brothers, namely, Sanjay Rana, Ram Karan, Krishan, Amit Kumar and Suresh Rana states that he has settled the matter with the petitioners and does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

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. 378/2017 under Sections 420/406/34 IPC registered at PS Dwarka South, 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.

FEBRUARY 21, 2019
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