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

+ **CRL.M.C. 1009/2019 & CRL.M.A. 4020/2019**

SH. AMIT GUPTA & ORS. Petitioners

Through: Mr. Jitendra Kumar, Adv. with
the petitioners in person

versus

STATE & ANR. Respondents

Through: Mr. Kamal Kumar Ghei, APP
with IO in person
Mr. Kunal Rawat, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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15.04.2019

Crl.M.A. 4020/2019 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.C. 1009/2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR Nos.80/2018, under Sections 448/380/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Mahindra Park, Delhi and the proceedings emanating therefrom.
2. The petitioners as well as respondent No.2 and 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 (MoU) dated 4.10.2018. Later on, the parties approached the Delhi Mediation Centre, Rohini District Courts, Delhi and executed a Settlement/Agreement dated 10.10.2018 relying upon the aforesaid MoU.

3. Learned counsel for the petitioners submitted that the petitioners have already paid a sum of Rs.35.5 lacs to the respondent No.2 in terms of the settlement arrived at between the parties.

4. Respondent No.2, present in the Court, reiterated the aforesaid facts and submitted that he has received a sum of Rs.35.5 lacs from the petitioners and he has no objection if the petition is allowed and the FIR is quashed.

5. Learned counsel for the petitioners submitted that the present petition may be allowed subject to any condition whichever this Court deems proper. Learned counsel for the petitioners further submitted that the petitioners are ready to contribute in the social beneficiary trusts a sum of Rs.1 lac.

6. 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. The IO also stated that the petitioners have no criminal antecedents.

7. In view of the aforesaid circumstances, the settlement arrived at between the parties and taking into consideration the age and socio-economic background of the petitioners, I deem it appropriate to give

them a chance to reform and reintegrate into the society as productive members. This Court is also 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 Nos. 80/2018, under Sections 448/380/34 of the IPC, registered at P.S.: Mahindra Park, Delhi and all the proceedings emanating therefrom are quashed subject to cost of Rs.1,00,000/- to be paid by the petitioners within 14 days, out of which Rs.30,000/- be deposited in the Bharat Ke Veer Corpus Fund, Rs.30,000/- in the Delhi High Court Advocates' Welfare Trust, Rs.20,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and Rs.20,000/- in the Delhi High Court Staff Welfare Fund SB A/c No.15530110074442 UCO Bank, Delhi High Court and receipts of the deposits be filed in the Registry within 21 days. Copy of the receipts shall also be handed over to the APP through the I.O. within 21 days. In case the petitioners fail to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

APRIL 15, 2019/rk