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

+ **CRL.M.C. 2713/2019 & CRL.M.A.10864 /2019**

VIJAYAMMA & ORS

.... Petitioners

Through: Mr. Ankit Singh and Ms. Priya
Singh, Advs. with the
petitioners in person

versus

THE STATE & ANR

.... Respondents

Through: Mr.Ashish Dutta, APP with
ASI Kanwal Singh, PS Dabri,
Delhi
Ms. Sonam, Adv. for R-2 with
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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21.05.2019

CRL.M.A. 10864/2019 (for exemption)

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

CRL.M.C. 2713/2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0394/2017 dated 20.7.2017, under Sections 287/338/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Dabri, Delhi and the proceedings emanating therefrom.

2. The petitioners and respondent No.2 as well as the learned counsel for the petitioners submitted that the parties have settled their disputes on their own free will, without any force or coercion vide a Memorandum of Understanding dated 22.12.2018.

3. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that he has already been compensated by the petitioners vide a cheque No.378596 dated 5.10.2018 for an amount of Rs.1,25,000/- in terms of the settlement.

4. Learned counsel for the petitioners as well as the respondent No.2 submitted that the respondent No.2 is working in the same company, i.e. Continental Instruments, at Plot No.108, Gali No.1, Dabri, New Delhi. Learned counsel for the petitioners submitted that the petitioners shall not dispense with the services of the respondent No.2 except in due course of law.

5. Learned counsel for the petitioners further submitted that the petition may be allowed and the FIR may be quashed, subject to any condition whichever this Court may deem fit and proper.

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 arrived at between the parties.

7. In view of the aforesaid circumstances and the settlement arrived at between the parties, 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.0394/2017 dated 20.7.2017, under Sections 287/338/34 of the IPC,

registered at P.S.: Dabri, Delhi and the proceedings emanating therefrom are quashed subject to cost of Rs.25,000/- to be paid by the petitioners within 14 days, out of which Rs.10,000/- be deposited in the Bharat Ke Veer Corpus Fund, Rs.5,000/- in the Delhi High Court Advocates' Welfare Trust, Rs.5,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and Rs.5,000/- 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

MAY 21, 2019/rk