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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3164/2019 & CRL.M.A. 40085/2019 & CRL.M.A. 40086/2019**

SAMDEV DASS GUPTA & ANR Petitioners

Through: Mr Sanjiv Sen, Sr. Advocate with Mr
Kunal Punj, Advocate.

versus

STATE & ORS Respondents

Through: Mr Rajesh Mahajan, ASC for State
along with SI Kishor Prasad, PS C. R.
Park.
Mr Aniruth K. Mudgal, Advocate for
R-2 to R-5.
Respondent no.4 in person.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **22.11.2019**

1. The petitioners have filed the present petition, *inter alia*, praying that FIR No.290/2016 under Sections 323/506/509/354/34 of the IPC, registered with PS C. R. Park and all proceedings emanating therefrom, be quashed.
2. The present petition is premised on a settlement arrived at between the concerned parties and recorded in a Memorandum of Understanding (MoU) dated 16.05.2017.
3. The learned counsel appearing for respondent no. 2 states that the terms of the said MoU dated 16.05.2017 have not been complied with by the petitioner, inasmuch as, the entire payment of ₹19 lakhs as agreed upon has

not been paid. The petitioner does not dispute this fact.

4. Mr Sen, learned senior counsel appearing for the petitioner states that a part of the said amount has been paid and the petitioner is also willing to pay the balance amount, *albeit*, in instalments.

5. Since the present petition is premised on a settlement arrived at between the parties which has not been implemented, this Court does not consider it apposite to entertain the present petition at this stage.

6. In view of the above, the petition is dismissed. The pending applications are disposed of.

7. It is clarified that it would be open for the petitioner to file afresh after the settlement between the concerned has been fully consummated. However, it is also clarified that this order shall not be construed to mean that this Court has interdicted the proceedings emanating from the FIR in question.

VIBHU BAKHRU, J

NOVEMBER 22, 2019
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