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

+ CRL.M.C. 584/2017

IMRAN ABDUL HAI & ORS

..... Petitioners

Through: Ms. Amrita Panda, Advocate.

versus

ALPHA INTEGRATED MANAGEMENT SERVICES PVT LTD

..... Respondent

Through: Mr. Arun Khatri, Mr. Kshitij Sheoran
and Ms. Kriti Krishana, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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28.02.2020

CRL.M.A. 4530/2020 (for exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

CRL.M.A. 4529/2020 (quashing of complaint)

The present application has been filed on the ground that learned Metropolitan Magistrate disallowed respondent/complainant's request of unconditional withdrawal of the case by recording as under:

"The AR of the complainant has requested for unconditional withdrawal of the present case. However, Ld. APP for the state has apprised the court that accused persons have been summoned for the offence U/s 499 IPC r/w 500 IPC r/w 120-B IPC out of which Section U/s 120-B IPC is non-compoundable and, hence, complainant cannot withdraw the present case."

The respondent-complainant has approached applicants/petitioners for amicable settlement whereby it has agreed to withdraw the complaint

unconditionally as full and final settlement, after which, respondent-complainant will not pursue its allegations of defamation against applicants.

Learned counsel appearing on behalf of applicants submits that applicants also pray for quashing of order dated 14th May, 2016 passed by learned Metropolitan Magistrate in C.C. No.66/1/16 as well as summons dated 09th July, 2016 bearing No.419815 issued in pursuance thereof, as learned Metropolitan Magistrate had failed to consider the bar enshrined under Section 196(2) of Criminal Procedure Code, 1973 in light of the facts and circumstances of the present case. Further, learned Metropolitan Magistrate, without applying his mind, could not have summarily assumed that the ingredients of Sections 499 and 500 of Indian Penal Code, 1860 are made out in the present case especially when the same had not even been alleged in the complaint.

Learned counsel appearing on behalf of respondent submits that since the matter has been settled, the present application may be allowed.

Keeping in view the fact that settlement has been arrived at between the parties and complainant does not want to pursue his case against applicants, I hereby set aside all the proceedings pending before Trial Court against the applicants.

Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 28, 2020/ssc