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

+ CRL.M.C. 1806/2018 & CRL.M.As. 6445/2018 & 4281/2019

SANJAY GANDHI ANIMAL CARE CENTRE Petitioner

Through: Mr. Aditya Singla and Mr.
Kartik Venu, Advs. with the
petitioner in person

versus

STATE & ANR Respondents

Through: Mr.Ashish Dutta, APP with SI
Braham Prakash, PS Sunlight
Colony, Delhi
Mr. S.K. Sethi, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **25.04.2019**

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.43/2018 dated 30.1.2018, under Sections 406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Sunlight Colony, Delhi and the order dated 30.1.2018 passed by the Metropolitan Magistrate, South East, Saket, New Delhi in FIR No.344/2015, registered at PS: Sunlight Colony, Delhi and the proceedings emanating therefrom.
2. Response by way of affidavit as well as the proof of identity has been filed by the respondent No.2.
3. Petitioner as well as respondent No.2 and their respective counsel submitted that the parties have settled their disputes before the

Mediation Centre, Saket Courts, New Delhi on 3.1.2019.

4. Learned counsel for the respondent No.2 submitted that as per the settlement between the parties, the petitioner ought to have moved an application before the Trial Court for the compounding of the offence and ought to have made payment only before the Trial Court, however, after some arguments, learned counsel for the respondent No.2 submitted that the present petition may be allowed on the basis of the settlement and not on legal grounds raised in the petition by the learned counsel for the petitioner.

5. Learned counsel for the petitioner submitted that he is only pressing the present petition on the basis of the settlement and not pressing the other grounds mentioned in the petition and the same should be treated as not pressed.

6. Learned counsel for the respondent No.2 and learned APP for the State submitted that they have no objection if the petition is allowed.

7. Learned counsel for the petitioner submitted that the petitioner is ready to pay an amount of Rs.15,000/- in cash to respondent No.2 as per the settlement and a sum of Rs.15,000/- in cash is given to the respondent No.2 today in the Court.

8. Learned counsel for the petitioner further submitted that in view of the settlement arrived at between the parties, the present petition may be allowed and the FIR may be quashed, subject to any condition which the Court may deem fit.

9. The Investigating Officer ('IO'), who is present in Court, has

identified the petitioner as well as respondent No.2 and has also verified the settlement arrived at between the parties.

10. 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. 43/2018 dated 30.1.2018, under Sections 406/34 of the IPC, registered at P.S.: Sunlight Colony, Delhi and the order dated 30.1.2018 and the proceedings emanating therefrom are quashed subject to cost of Rs.25,000/- to be paid by the petitioner 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 petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

11. Petition is disposed of in above terms. Pending applications also stand disposed of.

CHANDER SHEKHAR, J

APRIL 25, 2019/rk