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

+ **W.P.(CRL) 1399/2014 & Crl. M.A. No.10705//2014**

SANJAY JAIN Petitioner

Through: Mr. Rahul Kukreja and Mr. Abhay Mani Tripathi,
Advocates with Petitioner in person.

Versus

THE STATE OF DELHI & ANR. Respondents

Through: Mr. Rajesh Mahajan, Additional Standing Counsel
with Inspector Shivani, EWO Mandir Marg.
Mr. Jay Saula & Mr. Prabhat Kr. Chaurasia, Advs.
for R-2 with Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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26.02.2019

This petition seeks quashing of FIR No.4/2014, registered under section 406 IPC at Police Station CBT Section of Economic Offence Wing, Crime Branch, New Delhi, on the basis of a Settlement Agreement dated 23.08.2012.

The learned counsel for respondent No. 2 – complainant, submits that the complainant has now amalgamated into a new entity i.e. Syrma Technology Pvt. Ltd., hence they have requested the petitioner to pay the settled amount in favour of the new entity. Accordingly, at his request, the petitioner has brought a cheque of Rs.4.3 lacs dated 25.02.2019, drawn on HDFC Bank, Charmwood Village, Faridabad, Haryana, in favour of M/s Syrma Technology Pvt. Ltd..

In view of the above, the learned counsel for respondent No.2 – complainant states that the complainant would not like to pursue the matter any further and the FIR in question be quashed.

The parties are represented by counsel and state upon instructions that the parties undertake to abide by the terms of the aforesaid settlement. Let an affidavit in this regard be filed by the parties within a week from today.

Since the complainant himself does not wish to pursue the complaint against the petitioner, the substratum of the complaint/FIR dissipates and any further proceeding apropos the same FIR would be an exercise in futility. It would, therefore, be in the interest of justice to quash the FIR in question.

Following the dicta of the Supreme Court in *Gian Singh Vs. State of Punjab and Another (2012) 10 SCC 303* and *Narinder Singh & Ors. Vs. State of Punjab & Anr. 2014 6 SCC 466*, a case is made out for quashing of the FIR.

Accordingly, FIR No. 4/2014, registered under section 406 IPC at Police Station CBT Section of Economic Offence Wing, Crime Branch, New Delhi, and all the proceedings arising therefrom are quashed.

The petition, alongwith pending application, stands disposed off in the above terms.

NAJMI WAZIRI, J.

FEBRUARY 26, 2019

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