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

+ **W.P.(CRL) 2900/2018**

MAHESH NARULA & ORS.

..... Petitioners

Through: Mr Rishipal Singh, Advocate.

versus

THE STATE & ORS.

..... Respondents

Through: Mr Rajesh Mahajan, ASC for State
with Ms Jyoti Babbar, Advocate.
Mr Rahul Kumar, Advocate for R-7,
9,10 and 14.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **04.09.2019**

1. The petitioners have filed the present petition, *inter alia*, praying that FIR No.325/2016 under Sections 506/406/420/34 of the Indian Penal Code, 1860 (IPC) registered with PS Paschim Vihar be quashed in the interest of justice.
2. The present petition is premised on an amicable settlement arrived at between the petitioners and respondent nos. 2 to 14. Respondent nos.2, 3, 4, 5, 6, 8, 11, 12 and 13 were present before this Court on 10.07.2019 and they were identified by the concerned Investigating Officer and had recorded their statements that the said settlement had been arrived at between the petitioners and their representatives and their claims stand satisfied. They had also confirmed that they had received the amounts due in terms of the

settlement and did not wish to pursue the FIR and the proceedings arising therefrom. However, the FIR was not quashed on that date as respondent nos.7, 9, 10 and 14 were not present. The said respondents (respondent nos.7, 9, 10 and 14) are present in the Court today. They also confirm that the settlement was arrived at between the petitioners and their representatives and in terms of the aforesaid settlement, they have received the amounts payable by the petitioners. They further state that they do not wish to pursue their complaint and the proceedings commenced pursuant thereto.

3. Mr Mahajan, learned ASC appearing for the State submits that although only one FIR has been lodged, the correct procedure for the police authorities was to file separate FIRs in terms of the decision in ***State v. Khimji Bhai Jadeja: CRL. REF.1/2014 decided on 08.07.2019.***

4. Be that as it may, since there is no dispute that all the respondents have resolved their disputes with the petitioners, the present petition is liable to be allowed. Even if separate FIRs had been filed in respect of each of the private respondents, the same did not preclude them from individually settling their disputes with the petitioners. In such a case, it would open for the petitioners to seek quashing of the separate FIRs.

5. In view of the above, this Court is of the view that ends of justice will be served by quashing the said FIR as none of the private respondents wish to pursue any of the proceedings against the petitioners.

6. Accordingly, the petition is allowed and the FIR No.325/2016 under Sections 506/406/420/34 of the IPC registered with PS Paschim Vihar and all proceedings arising therefrom are quashed.

7. The petitioners and respondent nos.7, 9, 10 and 14 shall sign this order as an acknowledgment of their statements recorded herein.

VIBHU BAKHRU, J

SEPTEMBER 04, 2019
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