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

+ **W.P.(CRL) 3592/2017**

GURMEET KAUR

..... Petitioner

Represented by: Ms.Neha Jain and Mr.Prateek,
Advocates

versus

STATE & ANR.

..... Respondents

Represented by: Mr.R.S.Kundu, ASC for the State
with Mr.Bhagat Singh and Mr.Hitesh,
Advocates with SI Kiran Pal, PS
Jagatpuri

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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18.02.2019

1. Respondent Nos.3 and 4 could not be served as the address was either incomplete or they have left the address.
2. As per the status report, respondent No.4 has already been declared a proclaimed offender. Learned Additional Standing Counsel for the State submits that the charge sheet is ready and respondent No.3 will be kept in column No.XII as there is insufficient evidence qua him.
3. By this petition, the petitioner seeks quashing of FIR No.613/2015 under Sections 420/466/468/470/471/120-B IPC at PS Jagatpuri on the ground that petitioner has settled the matter with the respondent No.2, the complainant.

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4. Abovenoted FIR was registered on the complaint of respondent No.2 wherein it was alleged that she had been sold the property by the petitioner which was already mortgaged with the bank. Case of the petitioner was that she and her husband i.e. respondent No.4 separated and as a part of the settlement between the two of them the property in question 34/5-C, Third Floor, Kosla Apartment, Gagan Vihar, Village Khurei, Delhi was received by her who misrepresented and did not disclose complete facts. Copy of the memorandum of understanding between the petitioner and her ex-husband i.e. respondent No.4 has already been placed on record. Now the petitioner has cleared the dues of respondent No.2, the complainant as also the dues of the bank and is thus the clear owner of the abovementioned property. Case of the petitioner is that the forgery/cheating if any was done by respondent No.4 who as noted above is a proclaimed offender.

5. Considering the role of the petitioner and that she has settled the matter with the respondent No.2 as also cleared dues of the bank, this Court deems it fit to quash the FIR in question qua the petitioner.

6. Respondent No.2 is present in Court and is identified by the Investigating Officer. She states that she has settled the matter with the petitioner vide the memorandum of understanding copy whereof is annexed as Annexure P-2 to the present petition and in terms of the settlement, she does not wish to pursue the abovenoted FIR and the proceedings pursuant thereto. She further states that she has now no claim whatsoever on the abovementioned property and undertakes to abide by the terms of settlement arrived at between the parties.

7. Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement arrived at between the parties.

8. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

9. Consequently, FIR No.613/2015 under Sections 420/466/468/470/471/120-B IPC at PS Jagatpuri and proceedings pursuant thereto are hereby quashed qua the petitioner.

10. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

11. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 18, 2019

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