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

+ **W.P.(CRL) 3611/2019**

DEV RISHI DEV

..... Petitioner

Through Mr Hari Kishan, Advocate for with
petitioner.

versus

STATE & ANR.

..... Respondents

Through Mr Rajesh Mahajan, ASC with Ms Jyoti
Babbar, Ms Shnitika Vedi, Advocates for State.
Mr Ashish Sisodia, Advocate for R2.
Ms Deepa Chacko, Advocate for R3.
SI Sanjeev Kumar, P.S. Gazipur present.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.02.2020

1. The petitioner has filed the present petition, *inter alia*, praying that FIR No. 398/2019 under Sections 420/467/471/34 of the IPC registered with PS Ghazipur and all proceedings emanating therefrom, be quashed on the basis of the Memorandum of Understanding (MOU) dated 16.12.2019 entered into between the parties.

2. Respondent no.2 is present in Court and is identified by the Investigating Officer. The present FIR was registered at the instance of respondent no.2. Respondent no.2 states that he has since resolved all the disputes with the petitioner in terms of the MOU dated 16.12.2019 and the petitioner has agreed to do the needful to ensure that his insurance claim is

disbursed to him as early as possible.

3. Mr Mahajan, learned ASC states that the MOU would not be binding on the insurance company and therefore, it is possible that the insurance company may not honour the respondent's claim. He states that in the circumstances, the said FIR cannot be quashed on the basis of the MOU.

4. The aforesaid contention is merited. Although the petitioner and respondent no.2 have settled their disputes but the same is predicated on the insurance company for disbursing the claims made by respondent no.2. Without the insurance company agreeing to the same, the said settlement would be non-starter.

5. At this stage, the petitioner, who is present in Court, states that he undertakes to this Court that in the event the insurance company does not disburse the claim within four weeks from today, he would without seeking any deduction or any reduction in the amount claim made by the respondent pay the entire amount from his own personal sources without recourse to the insurance company (respondent no.3).

6. In view of the aforesaid statements/undertaking, this Court considers it apposite to allow the present petition and quash the FIR in question.

7. Accordingly, FIR No. 398/2019 under Sections 420/467/471/34 of the IPC registered with PS Ghazipur and all proceedings emanating therefrom, are quashed.

8. The petitioner is bound down to the undertaking given to this Court.

9. The concerned parties shall sign this order as an acknowledgement of

the undertaking and statements recorded herein.

10. The petition is disposed of.

11. Order *dasti* under signatures of the Court Master.

FEBRUARY 18, 2020

pkv

VIBHU BAKHRU, J