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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C.6579/2019**

ASHISH CHORDIA

..... Petitioner

Through: Mr. Sudhir Nandarajog, Senior
Advocate with Mr. Amit
Khanna & Ms. Preeti Singh,
Advocates

versus

STATE OF NCT OF DELHI & ANR Respondents

Through: Mr. Raghuvinder Verma, APP
with IO(name not given)
Mr. Ramesh Gupta, Senior
Advocate with Mr. Ajay P.
Tushir & Mr. Amit Singh,
Advocates for respondent No.2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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07.01.2020

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for setting aside the order dated 4.8.2014 passed by the learned Metropolitan Magistrate, South-East, Saket Courts, New Delhi, declaring the petitioner as absconder, in FIR No.407/2013, under Sections 420/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Sarita Vihar, Delhi.

2. Power of Attorney (POA), dated 10.1.2014, stated to have been executed by the petitioner in favour of Mr. Imran Khan, who is present in Court, filed on the record.

3. The POA holder of the petitioner and his learned Senior Counsel as well as the learned Senior Counsel for respondent No.2 submitted that the parties have settled their disputes on their own free will, without any force and coercion vide Memorandum of Understanding dated 21.10.2019 and the payments have already been made by the petitioner to the respondent No.2.

4. Mr. Amit Kumar Singh, POA holder of respondent No.2 has reiterated the aforesaid facts and submitted that since the petitioner has already paid the sum and the FIR in question has already been quashed vide separate order of even date, he has no objection to the petition being allowed and the order dated 4.8.2014 being set aside.

5. Learned Senior Counsel for the petitioner submitted that the petitioner is ready and willing to contribute a sum of Rs.2,10,000/- for some social beneficial cause in any trust or association.

6. The Investigating Officer ('IO'), who is present in Court, has identified the POA holders of the petitioner as well as respondent No.2 and has also verified the settlement arrived at between the parties.

7. Learned APP as well as learned Senior Counsel for respondent No.2, on instructions, submitted that they have no objection to the petition being allowed and the order dated 4.8.2014 being set aside.

8. 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, the order dated 4.8.2014 passed by the learned Metropolitan Magistrate is set aside, subject to cost of Rs.2,10,000/-, out of which Rs.35,000/- be deposited in the Delhi High Court Advocates' Welfare Trust, Rs.30,000/- in the Delhi High Court Staff Welfare Fund, SB A/c No.15530110074442, Rs.40,000/- in the Delhi High Court Bar Association Lawyers Social Security & Welfare Fund, Rs.40,000/ in the Prime Minister's National Relief Fund, Rs.35,000/- be deposited in the High Court of Delhi Middle Income Group Legal Aid Society, UCO Bank, Account No.15530110135488 and Rs.30,000/- be deposited in the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 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 one week thereafter. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

9. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

JANUARY 07, 2020/tp