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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4849/2019
MR. DHEERAJ KUMAR DIXIT Petitioner
Through: Ms. Nishima Arora, Adv.

versus

STATE & ANR. Respondents
Through: Ms. Meenakshi Dahiya, APP for State
with Inspector Jitender, PS Prashant
Vihar.
Counsel for R-2 with R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **10.02.2020**

Vide the present petition, the petitioner seeks quashing of the FIR No.503/2017, PS Prashant Vihar registered under Sections 420/468/471/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and no useful purpose would be served by the continuation of the proceedings in relation to the FIR in question.

The Investigating Officer of the case has identified the petitioner present today in Court as being the accused arrayed in the FIR in question and has further stated that other persons named in the complaint filed by the respondent no.2 named Dinesh, Mayank and Sukhdev have not been traced out nor has the respondent no.2 given any details of the said persons. The Investigating Officer has also identified respondent no.2 present in Court today as being the complainant of the said FIR.

Vide the status report submitted on behalf of the State it is also

indicated that the complainant did not join the investigation and a settlement has been arrived at between the parties. The status report further indicates to the effect that in relation to the allegations levelled by the respondent no.2 of the petitioner having forged a receipt of earnest money dated 10.03.2005, possession letter dated 10.03.2005, Relinquishment Deed dated 27.10.2008 and receipt dated 27.10.2008 having been purportedly signed by the complainant, the documents in question were not produced by the complainant i.e. the respondent no.2 despite the requisition thereof by the Investigating Officer. The status report also indicates that the complainant has also not joined the investigation in the matter despite notices under Section 160 of the Cr.PC, 1973 having been served on 12.09.2019, 21.11.2019 and on 01.02.2020.

The respondent no.2 has produced his original proof of identity, copy of which is on the record as Ex.CW2/A. The respondent no.2 in his examination on oath by the Court has affirmed having signed his affidavit annexed to the petition Ex.CW2/B voluntarily of his own accord without any duress, coercion or pressure from any quarter. The respondent no.2 in reply to specific Court queries has testified to the effect that the FIR in question was lodged in relation to the premises bearing no. TP-63, First Floor, Pitampura, Delhi-110088, in which the petitioner was his tenant and he further stated that he has since received the possession of the said property from the petitioner and he does not oppose the prayer made by the petitioner seeking quashing of the FIR in question nor does he want the petitioner to be punished in relation thereto and he has so stated voluntarily.

The respondent no.2 has further stated that he has studied upto

Standard XII and has understood the implication of his statement and run an import business.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties. In reply to a specific Court query, the learned APP for the State has also informed the Court that apart from the *inter se* documents alleged to have been executed between the petitioner and the respondent no.2, there are no other documents that had been put forth in relation to the allegations qua alleged commission of the offences punishable under Sections 468/471 of the Indian Penal Code, 1860.

There appears no reason to disbelieve the statement of the respondent no.2 that he has arrived at a settlement with the petitioner voluntarily. In the circumstances, in as much as there is nothing on the record to indicate any official machinery having been misutilized by the petitioner with no documents having been produced by the respondent no.2, the complainant before the Investigating Agency and the factum that the persons named in the FIR other than petitioner having not even been traced out, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them in relation to FIR No.503/2017, PS Prashant Vihar registered under Sections 420/468/471/34 of the Indian Penal Code, 1860 in the peculiar circumstances of the case and thus the FIR in question and all consequential proceedings emanating therefrom against the petitioner is quashed.

The petition is disposed of.

It is specifically directed that as observed hereinabove as no official

machinery qua alleged commission of offence punishable under Sections 468/471 of the Indian Penal Code, 1860 has been misutilized, the quashing of the FIR in the instant case has been allowed on the basis of the peculiar circumstances of the instant case and is not to be treated as precedent.

Copy of the order be given Dasti under the signatures of the Court Master, as prayed.

ANU MALHOTRA, J

FEBRUARY 10, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 4849/2019

MR. DHEERAJ KUMAR DIXIT Vs. STATE & ANR

10.02.2020

CW-1 Inspector Jitender, PS Prashant Vihar.

ON S.A.

I identify the petitioner Mr. Dheeraj Kumar Dixit as being the accused arrayed in the FIR No.503/2017, PS Prashant Vihar registered under Sections 420/468/471/34 of the Indian Penal Code, 1860. The other persons named in the complaint i.e. Mr. Dinesh, Mr. Mayank and Mr. Sukhdev could not be traced out and the complainant has not given any details of these persons. I identify the respondent no.2 Mr. Vijender Gupta as being the complainant of the said FIR. There are documents that have been executed *inter se* between the petitioner and the respondent no.2 only.

RO & AC
10.02.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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10.02.2020

CW-2 Mr. Vijender Gupta, s/o late Mr. Radhey Shyam Gupta, aged 58 years, r/o 1990, F. Railway Road, Narela, Delhi.

I have brought my original Driving Licence, copy of which is on the record as Ex.CW2/A. My affidavit annexed to the petition bears my signatures at points A & B thereon on Ex. CW2/B. I have signed my affidavit voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The FIR has been registered in relation to a property bearing No.TP-63, First Floor, Pitampura, Delhi-110088, in which the petitioner was my tenant and I have since received the possession of the said property from the petitioner.

I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.503/2017, PS Prashant Vihar registered under Sections 420/468/471/34 of the IPC and I do not want the petitioner to be punished in relation thereto.

I have studied upto Standard XII and I run an import business.

I have made my statement voluntarily of my own accord without any duress, coercion or pressure from any quarter after understanding the implications thereof.

RO & AC
10.02.2020

ANU MALHOTRA, J