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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 6069/2019

BHARAT BHUSHAN SHARMA & ORS.

..... Petitioners

Through: Mr. L.K. Passi and Mr. Robin Kamra,
Advocates with petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Rajini Gupta, APP for the State
with SI in person.
Mr.R.B. Samaiyar, Advocate with R-
2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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15.01.2020

CRL.M.C. 6069/2019

1. Issue notice. Learned APP for the State accepts notice. Counsel for respondent No.2 appears and accepts notice.
2. This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.295/2017, under Sections 420/406/408 IPC, registered at Police Station- Ashok Vihar, North-West District, Delhi, and all proceedings emanating therefrom.
3. The brief facts of the case are that on the complaint of respondent No. 2 above said FIR was registered against the petitioners on the allegations that the complainant was induced to invest in policies for getting higher profits and the accused persons opened fake bank accounts in different

banks on the basis of fake voter id-card and fake PAN card, wherein he deposited total amount of Rs.19,09,360/-.

4. Counsel for the petitioner submits that during the pendency of the trial, the parties have amicably settled the matter in terms of the Settlement Deed dated 12.11.2019. Copy of the settlement is also placed on record. As per the settlement, petitioners have agreed to pay a sum of Rs.17,20,000/- to respondent no. 2 as full and final settlement. Counsel for the petitioners have handed over two demand drafts and one cheque totalling to Rs.2,50,000/- to the respondent no. 2 in the Court today. It is submitted by learned counsel for the petitioners that petitioner have already deposited a sum of Rs.12,00,000/- before the trial court at the time of grant of bail in the form of FDRs and the trial court be directed to release the said FDRs to respondent no. 2.

5. Respondent no.2 is present in Court and identified by the IO. The respondent No.2 submits that he has settled his disputes with the petitioners. He further submits that he has no objection if the FIR in question is quashed.

6. Learned APP for the State has filed the status report. She submits that though the matter has been settled between the parties, but Government machinery has been put into motion and enough Court time has been lost and if the Court is inclined to allow the petition heavy costs must be imposed on the petitioners.

7. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed, subject to costs of ₹30,000/- to be deposited by the petitioner with Delhi High Court Legal

Services Committee within two weeks from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over their copies to the Investigating Officer, FIR No.295/2017, under Sections 420/406/408 IPC, registered at Police Station-Ashok Vihar, North-West District, Delhi, and the proceedings emanating there from shall stand quashed.

8. Trial court is directed to release FDRs in the sum of Rs.12,00,000/- to respondent no. 2.

9. It is also submitted by learned counsel for the petitioners that certain original documents are in the custody of the IO and he be directed to release the same. IO is, accordingly, directed to release original documents to the respective parties.

10. The present petition stands disposed of accordingly. *Dasti.*

RAJNISH BHATNAGAR, J

JANUARY 15, 2020

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