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

Date of decision: 23.01.2020

+ CRL.M.C. 342/2020

JABAR MAL GORA & ANR. Petitioners

Through: Mr. Gautam Khazanchi,
Mr. Pradyuman Kaistha and
Mr. Vishnu Menon, Advs.

versus

STATE & ANR Respondents

Through: Mr. Panna Lal Sharma, APP for State
with SI Ravi Kumar, Spl. Staff/NDD
Adv. for R-2 (appearance not given)
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL. M.A. 1476/2020

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C. 342/2020 and CRL.M.A. 1475/2020

3. Vide the present petition, the petitioners seek direction thereby quashing FIR No. 61/2019 dated 29.05.2019 registered at Police Station –

Barakhamba Road all other proceedings emanating therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for the State and counsel for the respondent no.2.

6. With the consent of the counsel for the parties, the present petition is taken up for final disposal.

7. The present petition is filed on the ground that the parties have settled their disputes and the respondent no. 2 has no objection if the present petition is allowed.

8. Respondent no. 2 is personally present in Court with learned counsel and he has been identified by SI - Ravi Kumar /IO and submits that matter has been settled and he does not wish to prosecute the matter any further.

9. The petitioners and respondent no.2 have entered into an amicable settlement vide settlement agreement dated 18.01.2020.

10. Learned APP for State has opposed the present petition and submits that the petitioners have indulged in misbranding of *desi ghee* and thus, have sold sub-standard *ghee* to the consumers on high rates. They are engaged in the business of trading *desi ghee* and edible oil from more than ten years.

Moreover, due to the present case, Government machinery came into force and public time has been consumed. He further submits that if this Court is inclined to quash the FIR, heavy costs may be imposed upon petitioners.

11. Learned counsel for petitioners, on instructions, submits that petitioner no. 1 is ready to contribute an amount of Rs.10 lakhs and petitioner no. 2 an amount of Rs.5 lakhs for welfare purposes. Learned counsel for the petitioner, however, prays that present petition may be allowed.

12. Taking into account the aforesaid facts, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting the petitioners any further.

13. The petitioners are directed to pay an amount of Rs.15,00,000/- (Rupees Fifteen Lakhs) within a period of 45 days from today in the following manner:-

- (i) Petitioner no. 2 shall pay an amount of Rs.5,00,000/- (Rupees Five Lakhs) in favour of Delhi Police Martyr Fund;
- (ii) Petitioner no. 2, out of the total amount of Rs.10,00,000/- (Rupees Ten Lakhs) shall pay;

- (a) an amount of Rs.5,00,000/- (Rupees Five Lakhs) in favour of Haryana Welfare Society for Persons with Speech & Hearing Impairment, Sector-16, Panchkula, Haryana. On receipt of amount, In-charge of the said society is directed to utilize the amount for the welfare of the deaf and dumb in the Centre, where this amount is required;
- (b) an amount of Rs.2,00,000/- (Rupees Two Lakhs) in favour of Indigent Lawyers Welfare Fund, Bar Council of Delhi;
- (c) an amount of Rs. 2,00,000/- (Rupees Two Lakhs) in favour of *Blind School Sewa Kutir*, Kingsway Camp, Delhi.
- (d) And Rs.1,00,000/- (Rupees One Lakh) in favour of Delhi High Court Legal Services Authority.

Receipt of the aforementioned payments shall be furnished to the Investigating Officer.

14. With the afore-recorded directions, the FIR No.61/2019 dated 29.05.2019 registered at Police Station – Barakhamba Road all other proceedings emanating therefrom are quashed.

15. The petition is allowed and disposed of accordingly.

Order *dasti* under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

JANUARY 23, 2020

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