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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL. M.C. 1589/2020**

SANJAY JAIN

..... Petitioner

Through: Mr. Alok Bachawat, Advocate with
petitioner in person.

Versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Dr. M.P. Singh, APP for State.
Mr. Manjit Singh Butailia, Advocate
for R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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21.07.2020

CRL. M.A. Nos. 9637-38/2020

1. Exemption is allowed, subject to the condition that the petitioner will file the duly sworn/notarized affidavits and the certified copies of the annexures within 72 hours from the date of resumption of the regular functioning of this Court.

2. Applications are disposed of.

CRL. M.C. 1589/2020

1. By this petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 78/2000 registered under Sections 420/467/468/471 IPC at P.S. Paschim Vihar on the ground of settlement arrived at between the petitioner and respondent no.2.

2. As per the prosecution case, the present FIR has been filed on the

complaint of respondent no.2 against the present petitioner alleging that the respondent no.2 had issued a cheque of Rs.3,000/- in favour of the petitioner however, the petitioner had forged the said cheque by prefixing figure '7' before the figure '3'.

3. Mr. Alok Bachawat, learned counsel for the petitioner submits that apart from the present petitioner, his father namely *Prakash Chand Jain* was also charge-sheeted (without arrest) in the present FIR however, the charge has been framed only against the present petitioner. He has referred to the order dated 13.10.2016 in this regard wherein it has been mentioned that on the basis of the FSL Report, a prima facie offence under Sections 420/467/468/471 IPC was found against the present petitioner.

4. Learned counsel for the petitioner submits that the petitioner and respondent no.2 have settled their disputes out of court and in terms of the settlement, the petitioner has handed over a draft bearing no. 001221 dated 13.07.2020 for Rs.3 lacs drawn on HDFC Bank, Panchsheel Park, New Delhi to the respondent no.2. It is submitted that respondent no.2 is now left with no claim whatsoever against the petitioner.

5. Learned counsel for the petitioner further submits that another complaint filed under Section 138 of the N.I. Act bearing Complaint Case no. 8704/2016 pending between the parties has already been permitted to be compounded vide order dated 11.02.2020 wherein the petitioner was the complainant and the present respondent no.2 was the accused.

6. Dr. M.P. Singh, learned APP for the State, on instructions, submits that the charges have been framed against the present petitioner only and the respondent no.2 is the only complainant in the present FIR. Learned APP further submits that since the present FIR pertains to the year 2000 therefore,

Investigating Officer is not available.

7. The petitioner and respondent no. 2 are present in person and have been identified by their respective counsels. They have marked their presence through this V.C. hearing. Respondent no. 2 states that he has entered into the settlement with the petitioner out of his own free will, volition and without any undue force, pressure or coercion. He further submits that he has no objection if the present FIR is quashed.

8. Learned counsels for the parties submit that except the aforementioned cases no other proceedings are pending between the parties.

9. The parties shall remain bound by their statements made in Court today.

10. In view of the settlement arrived at between the parties, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, the aforesaid FIR and the consequent proceedings emanating therefrom are quashed, subject to the encashment of aforementioned draft of Rs.3 lacs and also subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the *Delhi High Court Legal Services Committee* within four weeks. Receipt evidencing deposit of costs be handed over to the Investigating Officer as well as filed in the Registry.

11. The petition is disposed of in the above terms.

MANOJ KUMAR OHRI, J

JULY 21, 2020/ga