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

Date of decision: 15.10.2020

+ CRL.M.C. 1989/2020

VISHAL & ORS.

..... Petitioners

Through

Mr. Abhijat and Mr. Arpit Kumar,
Advs. for P-1&P-2 along with
petitioners in person
Mr. Ankur Jain, Adv. for P-3 along
with petitioner in person

versus

STATE NCT DELHI & ORS.

..... Respondents

Through

Mr. Amit Chadha, APP for State
SI Yogesh, PS GTB Enclave
Mr. Rakesh Chandra Agarwal and
Mr. Sandeep Dhanuka, Advs. for R-
2&3 along with respondents

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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

CRL. M.A. 14255/2020

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

CRL.M.C. 1989/2020

3. Vide the present petition, petitioners seek direction thereby for quashing of FIR No. 240/2020 dated 10.07.2020, registered at PS G.T.B.

Enclave and all other proceedings arising therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for State and by counsel for respondent nos.2 and 3 and with the consent of counsel for parties, the present petition is taken up for final disposal.

6. The present petition is filed on the ground that parties have settled their disputes and respondent nos. 2 and 3 have no objection if the present petition is allowed.

7. Learned APP has opposed the present petition and submits that petitioner no.1 was supplying heavy quantity of fake sanitizers which was manufactured by petitioner no.3. Petitioner no.1 delivered 450 liters of fake sanitizer to respondent no.2 after which respondents approached the police and case was registered. Petitioners were selling fake sanitizers under the name of Dr. Plus manufactured by VIDHHI Cosmetics using the License number of respondent nos. 2 and 3. Thus allegations are serious and if this Court is inclined to quash FIR, heavy cost may be imposed upon petitioners.

8. Learned counsel for petitioner nos. 1 &2 on instructions from petitioners, who are present in Court through video conferencing, has come forward and submits that petitioner nos. 1 &2 are poor persons. Petitioner

no.2 is earning his livelihood by riding his e-rickshaw. Petitioner no.1 (Vishal) is ready to contribute an amount of Rs.50,000/- for welfare purposes.

9. Learned counsel for petitioner no. 3 on instructions from petitioner no.3, who is present in Court through video conferencing, has come forward and agreed to contribute an amount of Rs.1,00,000/- for welfare purposes.

10. Respondent nos. 2 and 3 are personally present in Court through video conferencing with learned counsel and they have been identified by SI Yogesh/IO and submits that matter has been settled and they do not wish to prosecute the matter any further.

11. Petitioners and respondent nos. 2 & 3 have entered into an amicable settlement vide mutual compromise deed dated 07.10.2020.

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

13. Keeping in view the financial position of petitioner no.2, I do not impose any cost upon him. Petitioner nos. 1 and 3 are directed to pay this amount in the following manner:-

(a) Petitioner no.1 is directed to pay an amount of Rs.50,000/- in

favour of Delhi Police Martyrs Fund;

(b) Petitioner no.3 is directed to pay an amount of Rs.1,00,000/- in favour of Bharat Ke Veer.

(c) Petitioners are directed to pay this amount within ten days and receipt of the same shall be furnished to IO concerned.

14. For the reasons afore-recorded, FIR No. 240/2020 dated 10.07.2020, registered at PS G.T.B. Enclave and consequent proceedings emanating therefrom are quashed.

15. The petition is, accordingly, allowed and disposed of.

16. The order be uploaded on the website forthwith.

(SURESH KUMAR KAIT)
JUDGE

OCTOBER 15, 2020
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