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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5731/2019
+ CRL.M.C. 6580/2019
ASHISH CHORDIA Petitioner

Through: Mr. Sudhir Nandarajog, Senior
Advocate with Mr. Amit
Khanna & Ms. Preeti Singh,
Advocates

versus

STATE & ANR.
STATE OF NCT OF DELHI & ANR Respondents

Through: Mr. Raghuvinder Verma, APP
with SI Kishan Lal,
PS:Chanakya Puri, Delhi
Mr. Ramesh Gupta, Senior
Advocate with Mr. Ajay P.
Tushir & Mr. Atul, Advocates
for respondent No.2

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **07.01.2020**

1. The petitioner has filed Crl.M.C.5731/2019 under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.49/2016, under Section 420 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Chanakya Puri, Delhi and the proceedings emanating therefrom. Learned Senior Counsel for the petitioner and learned Senior Counsel for the respondent No.2 submitted that after filing of Crl.M.C.5731/2019, the petitioner was declared a proclaimed offender and Section 174-A IPC was added in the aforesaid FIR

and for that reason, the petitioner has now filed a fresh CrI.M.C.6580/2019 for quashing of the same FIR under Sections 420 and 174-A of the IPC and the proceedings emanating therefrom. Hence, the learned Senior Counsel for the petitioner prays that both the petitions should be heard together and FIR No.49/2016, under Section 420 IPC, wherein Section 174-A is added, ought to have been disposed of by a single order.

2. Power of Attorney (POA), dated 10.1.2014, stated to have been executed by the petitioner in favour of Mr. Imran Khan, who is present in Court, filed on the record.

3. The POA holder of the petitioner and the Authorised Representative (AR) of respondent No.2 as well as their respective Senior Counsels submitted that the parties have settled their disputes on their own free will, without any force or coercion vide Memorandum of Understanding (MoU) dated 21.10.2019, in terms whereof payments have already been made by the petitioner to the respondent No.2.

4. Mr. K.D. Sharma, Authorised Representative of respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that since the petitioner has already paid the sum, as agreed vide the MoU dated 21.10.2019, he has no objection to the petition being allowed and the FIR being quashed.

5. Learned Senior Counsel for the petitioner submitted that the petitioner is ready and willing to contribute a sum of

Rs.4,10,000/- for some social beneficial cause in any trust or association.

6. The Investigating Officer ('IO'), who is present in Court, has identified the POA holder of the petitioner as well as the Authorised Representative of respondent No.2 and has also verified the settlement arrived at between the parties.

7. Learned APP as well as learned Senior Counsel for respondent No.2, on instructions, submitted that they have no objection to the quashing of the aforesaid FIR.

8. In view of the aforesaid circumstances and the settlement arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.49/2016, under Sections 420/174-A of the IPC, registered at P.S.: Chanakya Puri, Delhi and the proceedings emanating therefrom are quashed, subject to cost of Rs.4,10,000/-, out of which Rs.65,000/- be deposited in the Delhi High Court Advocates' Welfare Trust, Rs.65,000/- in the Delhi High Court Staff Welfare Fund, SB A/c No.15530110074442, Rs.75,000/- in the Delhi High Court Bar Association Lawyers Social Security & Welfare Fund, Rs.65,000/ in the Prime Minister's National Relief Fund, Rs.75,000/- be deposited in the High Court of Delhi Middle Income Group Legal Aid Society, UCO Bank, Account No.15530110135488 and Rs.65,000/- be deposited in the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO

Bank, IFSC Code:UCBA0001820 and receipts of the deposits be filed in the Registry within 21 days. Copy of the receipts shall also be handed over to the APP through the I.O. within one week thereafter. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

9. Petitions are disposed of in above terms.

CHANDER SHEKHAR, J

JANUARY 07, 2020

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