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

+ **CRL.M.C. 3725/2018**

SURENDRA AGGARWAL & ORS. Petitioners

Through: Mr. F.A. Khan, Advocate with
petitioner nos. 2 and 4 in person.

versus

STATE & ANR. Respondents

Through: Mr. Mukesh Kumar, APP for State
with SI Dinesh Kumar, P.S. Jamia
Nagar.

Mr. Shah Nawaz Khan, Power of
Attorney of R-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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03.03.2020

1. The petitioner nos. 2 and 4 are present in person. On the last date of hearing, petitioner no.1 was exempted from personal appearance in court today. Petitioner no. 3 is stated to be in custody in some other similar case.
2. On the last date of hearing, Power of Attorney executed by respondent no.2 in favour of Shah Nawaz Khan was directed to be verified. Status report has been handed over, which is taken on record. As per the status report, the Power of Attorney has been verified from the respondent no.2. telephonically.
3. The present proceedings are instituted seeking quashing of FIR No. 342/2016 under Sections 420/468/471/120B IPC registered at P.S. Jamia Nagar on the ground of settlement having been arrived at between the petitioners and respondent no. 2.

4. As per the case of the prosecution, the present FIR has been filed against the present the petitioners who cheated the respondent no.2 to the tune of Rs.1.80 crores in respect of a land deal.
5. Learned APP for the State submits that the present case is at the stage of investigation wherein the present petitioners are accused and respondent no.2 is the only complainant/victim.
6. Learned counsel for the petitioners submits that the petitioners and respondent no.2 have entered into a settlement vide Memorandum of Understanding dated 13.07.2016, which is annexed with the present petition as Annexure P-3. In terms of the settlement, respondent no.2 is now left with no claim whatsoever against the petitioners.
7. The petitioners and Mr. Shah Nawaz Khan, Power of Attorney of respondent no.2 are present in person and have been identified by the Investigating Officer. Mr. Shah Nawaz Khan states that he has instructions from respondent no.2 to state before this Court that respondent no.2 has entered into a settlement with the petitioners out of his own free will, volition and without any undue force, pressure or coercion. He further submits that respondent no.2 has no objection in case the present FIR is quashed against the petitioners in view of the settlement.
8. Learned counsel for the petitioners and Mr. Shah Nawaz Khan, POA of respondent no.2 submit that 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, which is at the investigation stage, is quashed subject to composite costs of Rs. 25,000/- to be deposited by the petitioners with the 'ASRA' Fund maintained by the Registrar General of this Court within two weeks. Receipt, evidencing deposit of costs, be filed in the Registry and a copy whereof be handed over to the Investigating Officer.

11. With the above directions, the petition is disposed of. Miscellaneous application is disposed of as infructuous.

12. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

MARCH 03, 2020

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