

\$~34 and 35.

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

+ CRL.M.C. 5110/2018

BHIM SEN SETHI

..... Petitioner

Through: Mr. P.K. Dash, Advocate

versus

STATE & ORS.

..... Respondents

Through: Mr. Mukesh Kumar, APP for State with
WSI Ritu DIU/RD, WSI Sona, P.S. Aman Vihar
and ASI Karmvir, P.S. Rohini (N)

Mr. S.P. Bansal, Advocate for respondent No.2
with respondent No.2 in person
(Mob. No. 9654059925)

+ CRL.M.C. 5113/2018

PARVEEN JAIN & ANR.

..... Petitioners

Through: Mr. S.P. Bansal, Advocate with
petitioner in person

(Praveen Jain Mob. No.9953092530)

versus

STATE & ANR.

..... Respondents

Through: Mr. Mukesh Kumar, APP for State with
WSI Ritu DIU/RD, WSI Sona, P.S. Aman Vihar
and ASI Karmvir, P.S. Rohini (N)

Through: Mr. P.K.Dash, Advocate for respondent
No.2 with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

03.03.2020

1. The present petitions are filed under Section 482 CrPC thereby seeking quashing of the cross FIRs on the basis of a compromise. Since the parties are common in both the cases and seek quashing on the basis of common settlement agreement, both the cases are taken up together and disposed of vide a common order.

2. The petition bearing Crl. M.C. 5110/2018 is filed seeking quashing of the FIR No.934/2015 registered under Section 354/354-A/506/34 IPC, P.S. North Rohini, Delhi filed at the instance of the complainant, Ms. Mukta Jain and the petition bearing Crl. M.C. 5113/2018 is filed seeking quashing of the FIR No.983/2015 registered under Section 354/354(A)(1)/509 IPC, P.S. North Rohini, Delhi filed at the instance of the complainant, Ms. Glory Sethi.

3. It has been stated by learned counsel for the parties that whereas Mr. Bhim Sen Sethi, the petitioner in CRL. MC 5110/2018 is the landlord of the premises bearing No.D-8/45, 3rd Floor, Sector-06, Rohini, Delhi-85, the complainant along with her father and brother are the tenants. Certain disputes arose between the parties which led to the filing of a suit for possession bearing Suit No.60574/2016 as well as the present FIRs, another FIR and a complaint case.

4. During the pendency of litigation, the parties were referred to Mediation Centre, Rohini District Court and vide a settlement agreement dated 12.07.2018, a compromise has been arrived between the parties. As per the terms of the compromise, the parties settled their disputes on the basis of terms and conditions which are reproduced below:-

“1) All the disputes have been settled between the parties amicably without any monetary compensation.

2) It is settled that accused persons and complainants in the aforementioned both the FIRs U/s 354A IPC shall file the quashing petition before the Hon’ble High Court of Delhi for quashing of the FIRs No. 934/15 & 983/15 in accordance with law on or before 15.08.2018. Both the parties shall cooperate each other for the purpose of quashing of both the aforesaid FIRs.

3) It is further settled that the defendant shall hand-over the peaceful and vacant possession of the property bearing no.D-8/45, 3rd Floor, Sector-06, Rohini, Delhi to the plaintiff by handing over the keys of the said premises on the day of decision of quashing petitions of above said FIRs before Hon'ble High Court of Delhi.

4) Complainant in FIR No. 22/15 shall also move appropriate application before the court concerned for compounding of the offences or take steps to put an end to the litigation on or before 15.08.2018.

5) It is settled between the parties that nothing is/will due with regard to rent of the tenanted premises against tenant/defendant till the premises would be handed over to the landlord/plaintiff before the Hon'ble High Court of Delhi.

6) Plaintiff shall also withdraw the present case from the Ld. Referral court on its date fixed, in view of the present settlement.

7) After compliance of the terms of the present settlement, there shall remain no dispute/claim between the parties qua the present cause of action and that none of the parties shall file any other case civil or criminal against each other in future qua the present cause of action."

5. Learned counsel for the parties submitted that in terms of the aforementioned settlement, the parties along with their counsels appeared before the ARC on 09.08.2018, on which date, the statements of the parties were recorded and the aforementioned suit bearing No.60574/2016 was disposed of.

6. The parties are present in person and are identified by their respective counsels as well as by the Investigating Officers. In petition bearing Crl. M.C.5113/2018, the complainant/respondent No.2 (Glory Sethi) is stated to be in Government service and presently posted at Arunachal Pradesh. She

has given a Power of Attorney in favour of her father, Shri Bhim Sen Sethi. The factum of Power of Attorney has been verified by the Investigating Officer and the Status Report to that effect has been filed and taken on record.

7. Both the parties have stated that they have entered into the settlement agreement with the other side out of their own free will, volition and without any undue force, pressure or coercion. It is further stated that they have no objection if both the FIRs and consequent proceedings are quashed.

8. Both the parties have further stated that in terms of the settlement, the parties shall be taking necessary steps for compounding/withdrawal of two more cases pending between them which are FIR No.22/2015 under Section 323 IPC, P.S. North Rohini, Delhi and a complaint case under Section 156(3) CrPC tilted as Parveen Jain Vs. Bhim Sen and Others pending before the Metropolitan Magistrate, Rohini Court, Delhi.

9. Learned counsel for Parveen Jain, Tushar Jain and Mukta Jain, on their instructions, submits that the key of the aforementioned tenanted premises is not brought to the court today however, they undertake to handover the vacant and peaceful possession of the premises along with the key to Shri Bhim Sen Sethi or in the alternative to the SHO, P.S. North Rohini within 15 days from today.

10. The statement of the parties is accepted and taken on record. The parties shall remain bound by their statements made in the Court today. The parties, their respective learned counsels as well as the Investigating Officers, who are present in the court today, have also signed the present order sheet in acknowledgment thereto.

11. In view of the settlement arrived at between the parties voluntarily, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, aforesaid FIRs and the consequent proceedings emanating therefrom are hereby quashed.
12. With the above directions, the petition is disposed of.
13. Order *dasti* to the learned counsels for the parties.

MARCH 03, 2020

na

MANOJ KUMAR OHRI, J