

\$~15 & 16

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

%

Date of decision: 03.05.2021

(i) + **Crl.M.C. 724/2021**

SAMDEV DASSGUPTA & ORS. Petitioners

Through: Mr.Sanjiv Sen, Senior Advocate
Advocate with Ms.Priyadeep &
Mr.Srivats Kaushal, Advocates

Versus

THE STATE (NCT OF DELHI) NEW DELHI & ORS.

..... Respondent

Through: Mr. Ashok Garg, Additional Public
Prosecutor for respondent No.1/ State
with SI Rajesh Verma PS Kapashera
& SI Rahul Soni PS Tigri
Respondents No.2 to 5 in person

(ii) + **Crl.M.C. 725/2021**

SAMDEV DASSGUPTA & ANR. Petitioners

Through: Mr.Sanjiv Sen, Senior Advocate
Advocate with Ms.Priyadeep &
Mr.Srivats Kaushal, Advocates

Versus

THE STATE (NCT OF DELHI) NEW DELHI & ORS.

..... Respondent

Through: Mr. Ashok Garg, Additional Public
Prosecutor for respondent No.1/ State
with SI Rajesh Verma PS Kapashera
& SI Rahul Soni PS Tigri
Respondents No.2 to 5 in person

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

The hearing has been conducted through video conferencing.

1. The parties to the above captioned petitions are said to be neighbours and residing in the same building. A dispute amongst the parties arose with regard to certain monetary transactions, which culminated into registration of FIRs against the petitioners.
2. The above captioned first petition [Crl.M.C. 724/2021] pertains to FIR No. 193/2016, under Section 420 IPC, which was registered against the petitioners at the instance of respondent No.4-*Rushabh Aggarwal*. The above captioned second petition [Crl.M.C. 725/2021] pertains to FIR No. 290/2016, under Sections 323/506/509/354/34 IPC, which was registered against the petitioners at the instance of respondent No.2-*Ritu Aggarwal*. Both the FIRs have been registered at police station C.R.Park, New Delhi.
3. By these petitions, petitioners are seeking quashing of these FIRs on the ground that subject matter of dispute has been amicably resolved with complainants of these FIRs and respondents.
4. Notice issued.
5. Mr. Ashok Garg, learned Additional Public Prosecutor for State,

accepts notice and submits that complainants of these two FIRs are present through video conferencing and they have been duly identified by respective Investigating Officers, who are also present through video conferencing.

6. Since the FIRs in question pertain to common dispute between the parties and also the parties to these petitions are similar, therefore, with the consent of both the sides these petitions have been heard together and are being disposed of by this common order.

7. Learned senior counsel for petitioners submits that the dispute *inter se* parties is essentially civil in nature however, has led to initiation of multiple legal proceedings. He further states that parties have amicably resolved their dispute in terms of Memorandum of Understanding (MOU) dated 16.05.2017 and have agreed to withdraw all the cases pending against each other, details of which have been enumerated in Para- 3(h) of these petitions.

8. Learned senior counsel for petitioners next submits that in terms of aforesaid MOU, the petitioners agree to pay a sum of Rs.19 Lacs to respondents No.2 to 5 in these petitions and out of it, a sum of Rs.9.50 Lacs has already been paid. However, in view of Covid pandemic, parties have decided to put at rest the settlement at Rs.14.50 Lacs instead of Rs.19 Lacs. He further submits that the balance settled amount of Rs.5 Lacs by way of

demand draft bearing No.336631, dated 17.02.2021, drawn on Bank of Baroda, has been handed over by petitioners to respondent No.2-*Ritu Aggarwal* toward final payment and she has accepted the same.

9. Complainants of these FIRs i.e. *Rushabh Aggarwal* and *Ritu Aggarwal*, present through video conferencing, affirm the factum of settlement reached with petitioners in terms of afore-noted MOU and they also affirm having received the entire settled amount. They have affirmed the contents of their affidavits dated 02.03.2021 filed in support of these petitions.

10. Keeping in view that the subject matter of these FIRs stand amicably resolved amongst the parties, this Court finds that no useful purpose would be served in continuing with the proceedings arising out of FIRs in question.

11. Hence, to enable the parties to restore peace and harmony, who are neighbours and living in the same building, FIR No.193/2016 and FIR No. 290/2016, both registered at police station C.R.Park, New Delhi and proceedings emanating therefrom are hereby quashed.

12. The above captioned two petitions are accordingly disposed of.

SURESH KUMAR KAIT, J

MAY 03, 2021

r