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

+ CRL.M.C. 2855/2022 & CRL.M.A. 11781/2022

+ CRL.M.C. 5021/2022 & CRL.M.A. 22068/2022

DEEPAK RATHOD

..... Petitioner

Through: Mr. Sangram Singh and Mr. Vikas
Malhotra, Advs.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for State
and SI Virender Kumar, PS Model
Town.
Mr. Aman Ahmad, Adv. (VC) for R-2

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Date of Decision: 02.08.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petitions have been filed seeking the quashing of case FIR No. 0588/2022 under Section 174A IPC registered at PS Model Town, Delhi, and against the judgment dated 24.05.2022 whereby the order of learned MM declaring as Proclaimed Offender was upheld.
2. Brief Facts of the present case are that the present petitioner depicted

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himself as the proprietor of M/s Traveir Routers, a travel agency providing air/rail tickets and holiday packages. During the course of business, the complainant made multiple bookings for the petitioner, for which several cheques were issued which were returned for the reason 'Funds Insufficient'.

3. Learned Counsel for the petitioner submits that the petitioner was declared a proclaimed offender by the learned MM in CC No. 1272/2018 titled as '*Paras Arora vs. Deepak Rathod*'. Pursuant to this an FIR under section 174A IPC was lodged against him. However, now the parties have entered into a settlement.
4. The settlement/MoU dated 20.10.2022 have been placed on record and both the parties have settled the matter on the following terms and conditions:

"1. The parties have agreed that the deed of settlement dated 23.09.2021 & 17.09.2022 executed between both the parties shall stand superseded by the present memorandum of understanding cum settlement.

2. As the First Party has already made a payment of Rs.12,00,000/- (Rupees Twelve Lacs Only) to the Second Party, the First Party has received the remaining payment of Rs.7,00,000/- Lakh vide DD. No. 646269 dated 19.10.2022 issued by State Bank of India, Janak Puri Branch, New Delhi at the time of withdrawing the complaint case bearing no. 1272/2018 titled as Paras Arora Vs Deepak Rathod before the Court of Sh. Pranav Joshi, Ld. MM.-03, North,



3. *That a quashing petition is already pending before the Hon'ble High Court of Delhi and In lieu of the present memorandum of understanding, the Second Party has agreed to give his No Objection to the quashing of aforesaid FIR bearing no.0588 dated 25.06.2022 under Section 174-A IPC PS Model Town and has further undertaken to withdraw all the proceedings which have arisen between the parties.*
 4. *It is also agreed between the parties as second party has received the total settlement amount of Rs. 19,00,000/- and has agreed to withdraw the complaint case U/s 138 NI Act today itself.*
 5. *It is also agreed between the parties as second party has received the total settlement amount of Rs. 19,00,000/- and nothing is remain due between the parties and the second party shall move an application/make appropriate statement and withdraw the execution petition titled as "Paras Arora vs Deepak Rathod" bearing EX. CIVIL No.1265/2019 pending in the Court of Ld. ADJ-05, South-West District, Dwarka Courts, New Delhi.*
 6. *Five originals of the present deed shall be executed so as to present one in each of the Courts where proceedings between the parties are pending and one each for the parties.*
 7. *This settlement has been voluntarily arrived at between the parties with their own free will and without any force, pressure or coercion and both the parties are bound by the terms and conditions mentioned above."*
5. Learned counsel for respondent no.2 has appeared through VC and submits that the matter has been amicably settled and both the parties



have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 0588/2022 under Section 174A IPC registered at PS Model Town, Delhi, and all the proceedings emanating therefrom.

6. Learned APP for the State has opposed the quashing on the ground that Section 174 of IPC deals with Non-attendance in obedience to an order from a public servant.
7. I consider that there would be no purpose of continuing with the proceedings. Taking into account the totality of facts and circumstances the present FIR No. 0588/2022 under Section 174A IPC registered at PS Model Town, Delhi, and all the other proceedings emanating therefrom are quashed.
8. However, as a matter of imposing some duty upon the petitioner, he is directed to plant 300 trees at the location near to his house. The concerned IO is directed to ensure the plantation of trees.
9. List for compliance on 07.12.2023.

DINESH KUMAR SHARMA, J

AUGUST 2, 2023/AR