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

% Judgment delivered on: 07.07.2023

+ W.P.(CRL) 1886/2023

ANIL GOEL AND ORS

..... Petitioner

versus

STATE AND ORS

..... Respondent

**Advocates who appeared in this case:**

For the Petitioner : Mr. Ravindra Narayan, Mr. Ashwani Tyagi and Mr. Abhishek Sharma, Advocates alongwith petitioners.

For the Respondent : Ms. Rupali Bandhopadhyaya, ASC for with Mr. Akshay Kumar and Mr. Abhijeet Kumar, Advocates and Inspector Kishan Vir Singh, P.S. EOW.

Mr. Sunil Kumar, Mr. Hansraj and Mr. Surender Kumar, Advocates for R-2 to 4 alongwith Authorized Representative Mr. Bir Singh Pundir.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**JUDGMENT**

**TUSHAR RAO GEDELA, J. (ORAL)**

**[ The proceeding has been conducted through Hybrid mode ]**

1. This is a writ petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C., 1973 for issuance of writ of



Certiorari for quashing the FIR No. 227/2019 under Sections 406/420/120-B of Indian Penal Code, 1860 (for short “IPC”) registered at Police Station EOW, Delhi on the basis that the disputes have been settled, *inter se*, the petitioners on one hand and respondent nos. 2 to 4 on the other.

2. The settlement terms have been reduced in writing in a registered ‘Receipt *Patras*’ dated 30.11.2018 and 11.04.2023.

3. Learned counsel for the petitioners as also learned counsel for respondent nos. 2 to 4 jointly submit that the entire claim amount has been made good by the petitioners to respondent nos.2 to 4 and the same are reflected in both the ‘Receipt *Patras*’, which are registered and are placed on record.

4. The IO is present in person and identifies the parties.

5. The affidavit in support of the settlement agreement (Receipt *Patras*) dated 30.11.2018 and 11.04.2023 are also appended to the present petition.

6. The petitioners as also respondent nos. 2 to 4 submit that the entire dispute has been settled and the settlement terms of the agreement have already been worked out and no further disputes are pending.

7. Respondent nos. 2 to 4 are represented through their Authorized Representative, whose Letter of Authority by way of Board Resolution passed by three respondents is recorded at page-56, 58 and 60. The same are taken on record.

8. The Authorized Representative, who is present before this Court, submits that he has been instructed to state that there is no other pending claim remaining after the settlement agreement in terms of the Receipt



*Patras* that have been executed. The respondent nos. 2 to 4 are satisfied with the aforesaid settlement agreement and they have no objection whatsoever in case the pending FIR is quashed.

9. The parties are bound by the terms of the settlement.

10. In view of the aforesaid, as also in view of the judgment of '*Harmanpreet Singh Ahluwalia & Ors. Vs. State of Punjab & Ors*' reported as (2009)7 SCC 712 this Court finds no reason why the FIR in question cannot be quashed, particularly when the amounts involving private parties have been made good by the defaulting party.

11. No purpose would be served in continuing with the present FIR. As such, in view of the aforesaid observations as also the settlement agreement in the nature of Receipt *Patras* dated 30.11.2018 and 11.04.2023, FIR No. 227/2019 under Sections 406/420/120-B of IPC registered at Police Station EOW, Delhi stands quashed.

12. However, as a measure of goodwill and as a good Samaritan seeking atonement of the acts, the petitioners are directed to plant 100 trees and/or deposit an equivalent amount with Deputy Conservator of Forest, Delhi in an area which is suitable for such purposes. The same may be done in a following manner:-

- (a) The petitioners will plant 100 trees each of indigenous variety, in consultation with the Investigating Officer, who shall get in touch with the concerned Horticulture Department of the MCD and indicate the area, where the trees are to be planted. The trees need not be in one cluster but can be in parks, boundary walls, etc, wherever the concerned department deems it fit and proper. Each tree shall have a minimum of three years nursery age



and a minimum trunk height of 10 feet.

(b) The above planting of trees shall be completed within a period of four weeks from today.

(c) The Investigating Officer concerned shall be in touch with the petitioners and ensure that the petitioners do the needful within the time fixed above.

(d) After the initial planting of trees, the parties shall file a compliance report. The monthly report of the progress and the status of such plants alongwith the photographs be filed before this Court for the next six months.

13. The petition is disposed of in above terms.

**TUSHAR RAO GEDELA, J.**

**JULY 07, 2023**

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