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

+ **CRL.M.C. 550/2024**

DEVENDER GARG

..... Petitioner

Through: Mr. Ayush Jain and Mr. Tushar
Thakur, Advocates.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Gagandeep, PS Prashant Vihar.
Mr. Yashovardhan Upadhyay, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.01.2024

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CRL.M.A. 2209/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 251/2022 dated 26.02.2022 under Section 406 IPC registered at P.S.: Prashant Vihar and the proceedings emanating therefrom, predicated on a settlement arrived at between the Petitioner and Respondent No.2. Terms of settlement have been incorporated in a Memorandum of Understanding executed between the parties on 05.01.2024.

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4. Learned APP, however, at the outset submits that Section 406 is a compoundable offence and therefore, the appropriate remedy, available to the Petitioner is to approach the learned Trial Court under Section 320 Cr.P.C. Additionally, it is submitted by the learned APP, on instructions from the Investigating Officer, who is present in Court, that State has filed an application for cancellation of the FIR in the absence of sufficient evidence and the same is listed before the learned Trial Court on 14.02.2024.
5. In this view of the matter, after canvassing some arguments, learned counsel for the Petitioner seeks to withdraw the present petition with liberty to take recourse to appropriate remedies, in accordance with law.
6. Petition stands disposed of granting liberty as prayed for, in accordance with law.

JYOTI SINGH, J

JANUARY 23, 2024/pa

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