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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1092/2023, CRL.M.A. 4195/2023

SAMAY SANJAY

..... Petitioner

Through: Ms. Risha Mittal, Ms. Simran Mehrotra and Mr. S. Shukla
Advocates with petitioner in person
through V.C.

versus

STATE GOVT OF NCT OF DELHI & ANR. Respondents

Through: Ms. Manjeet Arya, APP for State with
Insp. Sandeep Kumar and SI Sachin,
P.S. Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.01.2024

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1. By way of present petition filed under Section 482 Cr.P.C., petitioner seeks quashing of FIR No. 467/2015 registered under Section 279 IPC at Police Station Vasant Vihar and the consequent proceedings emanating therefrom.
2. Learned counsel for the petitioner states that during the proceedings before the Trial Court, the petitioner had paid a sum of Rs.69,238/- vide cheque No.000018 dated 30.09.2016 drawn on HDFC Bank and that a Compromise Deed was also executed between the parties on 01.10.2016 wherein the complainant/respondent No.2 had agreed to cooperate in quashing of the present FIR. A copy of the receipt as well as No Objection Certificate by the respondent No.2 for quashing of the present FIR have been placed on record alongwith the Compromise Deed. Pertinently, the



proceedings dated 20.10.2016 before the learned M.M. also show that the aforesaid facts were duly recorded.

3. Learned APP for the State, on instructions from the I.O., confirms that the said amount has been received by the complainant/respondent No.2.

4. On 16.02.2023 while noting the aforesaid facts, notice of the petition was directed to be issued and respondent No.2 was permitted to appear either through Embassy of France or through Video Conference. Learned counsel for petitioner submits that respondent No.2 has since returned back to France. The said fact has also been stated by learned APP for the State, on instructions, from the concerned I.O. Again on 04.05.2023, statement of petitioner's counsel was also recorded to the effect that number of emails as well as reminders were sent to France Embassy however, no response was received. Learned counsel for the petitioner submits that on that day learned Predecessor Bench also noted that in case the complainant/Mr. *Xavier Grader* would not be represented on the next date of hearing, the Court would proceed to consider the prayer made in the petition. Learned counsel states that further attempts were made to serve notice on the respondent No.2 and in this regard, an affidavit has also been placed on record. She states that emails were sent at the official email ID of the French Embassy i.e. scq.new-delhi-amba@diplomatie.gouv.fr however, the Embassy has denied to share any information concerning respondent No.2.

5. On previous date, Court notice was additionally directed to be issued to respondent No.2 and a report from the concerned SHO of Police Station Vasant Vihar has also been placed on record as per which, notice of the case was served on the reception of the Embassy of France. However, neither any response has been received nor is respondent No.2 represented today.



6. Considering the aforesaid facts, including the factum of compromise deed and that the settlement amount has already been received by the respondent No.2, in my view, no fruitful purpose would be served in continuance of the present FIR. Accordingly, the above-mentioned FIR and the consequent proceedings emanating therefrom are quashed.

7. Petition is disposed of in the above terms alongwith pending application.

MANOJ KUMAR OHRI, J

JANUARY 19, 2024

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