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

+ **CRL.M.C. 1804/2024**

NARESH KUMAR SHARMA & ORS.

.....Petitioners

Through: Mr. Pradeep Kumar Mishra and Mr.
Ashish Upadhyay, Advocates along
with petitioner No.2 in person.

versus

STATE GOVT.OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Richa Dhawan, APP with SI Anil
Kumar, P.S.Jamia Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.08.2024

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1. The present petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioners seeking quashing of FIR bearing No. 236/2011, registered at Police Station Jamia Nagar, Delhi, for offences punishable under Sections 420/468/471/120-B/34/174A IPC of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Learned APP accepts notice on behalf of the State.
3. The petitioner No.1 Naresh Kumar Sharma is stated to have died which is confirmed by the IO. Petitioner No.2 and the respondent No.2 are present in person. Respondent No.3 is present through Video Conferencing.
4. It is submitted that the matter has been amicably settled vide



Mediation Settlement dated 07.02.2024 vide which the petitioners have agreed to pay Rs.10,00,000/- towards full and final settlement of all the claims. Rs.5,00,000/- already stands paid and balance amount of Rs.5,00,000/- has been paid today vide demand draft No. 003788 dated 21.08.2024 drawn on The Panipat Urban Co-op Bank Ltd, Model Town Branch, Panipat.

5. It is further submitted that the criminal complaint under Section 138 N.I.Act was filed by respondent No.2 in respect of the dishonoured cheques but he has no track of the said cases and has not been appearing in those matters since long. It is further submitted in the settlement that the cases under Section 138 of the N.I.Act which have been filed also stand compromised under this agreement.

6. The parties are present before this Court, and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily and shall remain bound by the terms.

7. In the present case, respondent No.2 had given cash of Rs.17.5 lakhs to the petitioners on their promise of getting a DDA flat in the name of respondent No.2, however, eventually it was found that the allotment letter which had been shown to him by petitioner No.1 (since dead) was a forged document.

8. Now the cases have been settled in terms of the Mediation Settlement dated 07.02.2024.

9. In view of the above facts, whereby the parties have amicably resolved their differences out of their own free will and without any coercion, it would be in the interest of justice to quash the



abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

10. Accordingly, FIR bearing No. 236/2011, registered at Police Station Jamia Nagar, Delhi, for offences punishable under Sections 420/468/471/120-B/34 IPC of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom, are quashed. However, the proceedings under Section 174A may be continued in accordance with law.

11. The petition along with the pending Applications stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 22, 2024

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