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

+ **CRL.M.C. 2066/2024**

MS. NALINI GUPTA

..... Petitioner

Through: Mr.Jaykant Prasad, Adv. with
petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Shoaib Haider, APP with
Insp. Shiv Dutt Jaimini, SI
Ramesh Chand.
Mr.Rishipal Singh, Adv. for
respondent no.2 with
Mr.Vishnu Joshi, Director of
respondent no.2/complainant
(VC).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **18.03.2024**

CRL.M.A. 7997/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2066/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0303/2023 registered at Police Station: Gulabi Bagh, North, Delhi under Sections 420/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings emanating therefrom.

3. Issue notice.



4. Notice is accepted by Mr. Shoaib Haider, the learned APP and Mr. Rishipal Singh, Advocate on behalf of the respondent no.2/complainant. The learned counsel for the petitioner submits that parties have amicably settled their *inter se* disputes.

5. It is submitted that the petitioner purchased the property bearing No.15-A, Sanjay Nagar, Gulabi Bagh, Delhi-110007 and remained in possession of the same. The petitioner availed the loan from Uniworth Secfin Pvt. Ltd. for a sum of Rs.10,00,000/- against the said property and letter of fore-closure request was given to the Uniworth Secfin Pvt. Ltd. for giving clearance/No dues Certificate of the said loan.

6. The Agreement to Sell dated 01.10.2023 between the parties herein got signed under misconception and misrepresentation qua the said property. Both the parties filed police complaint against each other. The Respondent No.2 filed the suit for recovery bearing No.1105/2023 by exercise the default clause of the said Agreement to Sell and the petitioner also brought on record her written statement in pursuance to receiving the summons. The Respondent No.2 filed the Criminal complaint alongwith the application under Section 156(3) Cr.P.C. bearing No.2227 /2023. The petitioner also filed the criminal complaint bearing No.2263 /2023 alongwith the application under Section 156 (3) Cr.P.C. The interim application of the Suit for Recovery bearing No.1105/2023 filed by the Respondent No.2 was disposed of being dismissed by the learned Additional District Judge. Vide its Order the learned ACMM allowed the application under Section 156 (3) Cr.P.C. and directed to register an FIR and the present FIR was registered. It is stated that the petitioner and the respondent No.2 entered into a written Settlement Deed dated 02.02.2024, by executing the same containing



mutually agreed upon terms. The respondent No.2 being the second party in the said Settlement Deed received the sum of Rs.5,00,000/-from the petitioner as the first party. The respondent No.2 herein as the plaintiff further withdrew the suit bearing No.1105/2023 by making the statement in terms of the Settlement Deed. The petitioner herein also withdrew her Counter Claim filed in the said suit. The petitioner herein as the complainant also withdrew her criminal complaint bearing No.2263/2023 by making the statement in terms of the Settlement Deed.

7. The respondent no.2, who is present in Court virtually and has been duly identified by the Investigating Officer (IO) as also by the learned counsel for the petitioner, does not oppose the present petition and reiterates that the dispute has been amicably settled out of his own free will and without any coercion, and affirms the above averments and submits that he has no objection if the present FIR is quashed.

8. I have perused the contents of the FIR and the accompanying affidavits of the parties giving no objection to quashing of the present FIR.

9. Considering the above submissions, and the fact that the matter has been settled between the petitioner and the respondent no.2, I find that no useful purpose will be served in continuing with the proceedings of the above FIR; it would rather create further acrimony between the parties and would be an unnecessary burden on the State Exchequer.

10. Guided by the principles enunciated by the Supreme Court in its judgments in *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 335; *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58, this Court deems it appropriate, in the interest of justice, to exercise its



inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

11. Accordingly, the petition is allowed. Consequently, the FIR No.0303/2023 registered at Police Station: Gulabi Bagh, Delhi under Sections 420/406/34 of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

MARCH 18, 2024/Arya/RP

[Click here to check corrigendum, if any](#)