



\$~68

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

+ CRL.M.C. 2768/2024 & CRL.M.A. 10549/2024 (Exemption)

ROSHAN KUMAR

..... Petitioner

Through: Mr. Shivendu Singh, Advocate
alongwith petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State
Insp. Harpal Singh and ASI Rampal,
PS Defence Colony.
Mr. Rinku Yadav, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

05.04.2024

%

1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 20/2022, under Sections 420/468/471/506/34 of the IPC, registered at P.S. Defence Colony and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Sh. Kumar Rahul, learned Metropolitan Magistrate, (South East), Saket Courts, Delhi.
2. Learned counsel appearing on behalf of the petitioner submits that during the pendency of the aforesaid proceedings the matter has been compromised between the parties *vide* settlement/compromise deed dated 03.04.2024 in pursuance of which the petitioner deposited the consideration amount of Rs. 1,75,000/- in favour of respondent no. 2 in the form of fixed deposit (alongwith interest) bearing no. 50300617057644 issued on 27.04.2022 HDFC, branch address Anand Lok, 14 Anand Lok New Delhi-



110049, Delhi, India, which was placed before trial court in the name of “METROPOLITAN MAGISTRATE (09), South East Saket. It is further agreed between the parties that the said FDR would be released to respondent no. 2/complainant after quashing of the present FIR.

3. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel and the Investigating Officer, Insp. Harpal Singh PS Defence Colony.

4. The complainant/respondent No.2 states that the matter has been settled with the petitioners and he has no objection if the FIR is quashed. He further states that all the terms of the agreement have been complied with.

5. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

6. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon’ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 20/2022, under Sections 420/468/471/506/34 of the IPC, registered at P.S. Defence Colony and all other consequential proceedings emanating therefrom, including the



chargesheet pending before the court of Sh. Kumar Rahul, learned Metropolitan Magistrate, (South East), Saket Courts, Delhi.

8. In the interest of justice, the petition is allowed, and the FIR No. 20/2022, under Sections 420/468/471/506/34 of the IPC, registered at P.S. Defence Colony and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Sh. Kumar Rahul, learned Metropolitan Magistrate, (South East), Saket Courts, Delhi, is hereby quashed, subject to cost of Rs. 25,000/- to be paid by the petitioner. The said amount shall be deposited with Saket Bar Association Welfare Fund (A/c no. 32895685000, State Bank of India) within 7 days from today.

9. Petition is allowed and disposed of accordingly.

10. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 05, 2024/sn

Click here to check corrigendum, if any