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

+ **W.P.(CRL) 1342/2024**

NARESH KUMAR

..... Petitioner

Through: Ms. Meenal Duggal and Mr. Aakash
Rana, Advocates (through VC).

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
the State with Mr. Abhijeet Kumar,
Advocate with SI Satish Bhati, P.S.
Okhla Industrial Area.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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01.05.2024

CRL.M.A. 13185/2024 (exemption)

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

W.P.(CRL) 1342/2024

3. The instant petition under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of FIR bearing no. 209/2024, registered at Police Station Okhla Industrial Area, South-East Delhi for the offence punishable under Section 407 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
4. Issue notice. Ms. Rupali Bandhopadhyaya, learned ASC accepts notice on behalf of State.
5. Petitioner is present before this Court and has been identified by his



counsel Ms. Meenal Duggal and Investigating Officer (IO) SI Satish Bhati from Police Station Okhla Industrial Area, South-East Delhi.

6. Brief facts of the present case are that on 04.03.2024, petitioner herein is a proprietor of a firm namely Shiv Express Cargo, engrossed in transportation work. The said Firm has been working with the respondent no.2's company since 2010. The respondent No. 2 herein is the complainant in the above-mentioned FIR. The complainant herein runs a Private Limited Company by name & style A.R Engineering Works based in Okhla Industrial Area. The said company manufactures industrial machinery. The present FIR has been registered upon the complaint of respondent no.2 whereby he has alleged that, on 04.03.2024, they had hired a truck belonging to petitioner's Finn for the purposes of delivery of a consignment at Bokaro Steel Plant, Jharkhand. It has further been alleged that the said truck had left from the factory of the respondent no.2 based in Okhla Industrial Area on the said day itself. On 08.03.2024, it has further been alleged that, on the said date, the respondent no.2 received intimation that his consignment headed towards Bokaro Steel Plant has been stopped in middle by the truck driver upon the instructions of the petitioner herein. Thereafter, the petitioner telephonically informed him, that his consignment would only be released if he is willing to pay his pending dues first. On 17.03.2024, it was on the said date, the respondent no.2 herein lodged a complaint against the petitioner herein at PS: Okhla Industrial Area, which subsequently led to registration of the present FIR. On 18.04.2024, with the intervention of well-wishers and some common friends, during the pendency of the case, both the parties have amicably settled all their disputes *vide* Memorandum of Understanding (MoU) dated 18.04.2024. On 22.04.2024,



in terms of the settlement arrived between the parties herein, the petitioner while complying with the terms, has even delivered the consignment to the Bokaro Steel Plant.

7. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that he has entered into compromise out of his own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Memorandum of Understanding (MoU) dated 18.04.2024. Respondent no. 2 further stated that he has no objection, if the FIR is quashed.

8. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

9. Accordingly, FIR bearing no. 209/2024, registered at Police Station Okhla Industrial Area, South-East Delhi for the offence punishable under Section 407 of IPC and all consequential proceedings emanating therefrom are quashed, subject to petitioner depositing a sum of Rs. 10,000/- with Advocates Welfare Fund, Saket Court, Delhi within ten days.

10. In view of above, the present petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 1, 2024/zp

Click here to check corrigendum, if any