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

+ **W.P.(CRL) 1920/2023 & CRL.M.A. 17877/2023**

GOPAL DASS AGGARWAL

..... Petitioner

Through: Mr. O.P. Aggarwal and Mr. Ashish
Aggarwal, Advocates (through VC).

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Rahul Tyagi, ASC for the State
with Ms. Priya Rai, Mr. Sangeet
Sibou and Mr. Jatin, Advocates and
with SI Nadir Khan, P.S. Sadar Bazar.
Mohd. Shamikh, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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07.02.2024

9. The instant petition under Article 226 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. 159/2019 dated 09.09.2019, registered at Police Station Sadar Bazar, Delhi for the offences punishable under Sections 420/467/468/471 of IPC, 1860 and all consequential proceedings emanating therefrom.

10. Petitioner is present before this Court and has been identified by his counsel Mr. O.P. Aggarwal and Investigating Officer (IO) SI Nadir Khan from Police Station Sadar Bazar, Delhi.

11. The brief facts of the present case are that petitioner is occupying three shops which bearing No. 5335/3, 5335/4 and 5310-12/4, Ward No. 13,



Situated at Ward No. 13 on Ground Floor, Gali Peti Wali, Rui Mandi, Gandhi Market, Sadar Bazar, Delhi-110006. It is stated that petitioner is occupied the said three shops since long back. However, the respondent no. 2 is claiming his ownership over the said for which the disputes are pending in various Court between both the parties. Whereas, the respondent no. 2 filed three eviction petitions under Section 14 (1) (e) of DRC Act in respect of the abovesaid three shops separately and all the said three petitions are pending for disposal. It is stated that apart from it, respondent no. 2 had filed a petition under Section 340 of Cr.P.C. in all the said three eviction petitions which are also pending for consideration. It is stated that apart from it, three civil suits were filed by the father of the respondent no. 2 for relief of permanent injunction. However, during the pendency of the abovesaid three civil suits are pending for disposal. It is also stated that on the complaint of respondent no. 2, the present FIR bearing no. 159/2019 was registered at P.S. Sadar Bazar. It is stated that chargesheet stands filed in this case. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes *vide* Memorandum of Understanding (MoU) dated 05.09.2022.

12. 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 settlement out of his own free will, volition and without any coercion, pressure or threat and has no objection, if the FIR is quashed.

13. In view of the above facts that the parties have amicably resolved their differences out 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 above mentioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

14. Accordingly, FIR bearing no. 159/2019 dated 09.09.2019, registered at Police Station Sadar Bazar, Delhi for the offences punishable under Sections 420/467/468/471 of IPC and all consequential proceedings emanating therefrom are quashed.

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

16. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 7, 2024/zp