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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1699/2024, CRL.M.A. 16502/2024**
SATYAVEER JAIN & ANR.Petitioners
Through: Mr. Prakhyat Sharma and Mr. Nitin
Sharma, Advocates.
versus
THE STATE GOVT OF NCT OF DELHI & ORS.Respondents
Through: Mr. Amit Peswani, Advocate for Ms.
Nandita Rao, ASC for the State with
SI Akash and SI Pankaj Kumar, P.S.
Bhajan Pura.
Mr. Amir Khan, Mr. Md. Saif and
Mr. H.M.A. Rehman, Advocates for
respondents Nos. 5 & 6.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
25.09.2024

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By way of the present petition filed under Article 226 of the Constitution of India, the petitioners seek quashing of case FIR No.393/2021 dated 19.08.2021 registered under sections 420/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bhajan Pura, Delhi.

2. The petition is premised on Settlement Deed dated 05.01.2023, whereby petitioner No. 1 and respondent No. 3/complainant have resolved the matter amicably.
3. The petition is supported by affidavits of petitioners No.1 & 2, alongwith proof of their IDs.
4. Petitioners Nos. 1 & 2 and respondents Nos. 3 to 6 are present in court. Their credentials have been verified and they have also been identified by the Investigating Officer.



5. It transpires that respondents Nos. 4, 5 & 6 are in-fact co-accused persons in the subject FIR.
6. Mr. Prakhyat Sharma, learned counsel appearing for the petitioners explains, that since to begin-with, respondents Nos. 4, 5 & 6 were unwilling to join as co-petitioners, they were impleaded as party-respondents in the present petition. Mr. Sharma submits however, that now respondents Nos. 4, 5 & 6 are also supporting the present petition, whereby the subject FIR would also be quashed as against them.
7. Respondent No.3, who is the complainant in the matter, is also present in court. The court has interacted with him. Though he confirms that he has received a sum of Rs. 10 lacs in terms of Settlement Deed dated 05.01.2023, he submits that the accused persons should also defray his legal expenses. However, it is noticed that there was no covenant between the parties to the effect that the accused persons must defray the legal expenses of the complainant. It is also noticed that in clause 5 of Settlement Deed dated 05.01.2023, the complainant has expressly agreed to withdraw the subject FIR, without any qualification that the accused persons must defray his legal expenses.
8. Furthermore, as pointed-out by learned counsel for the petitioners, order dated 04.10.2023 passed by the learned Metropolitan Magistrate, Karkardooma Courts, Delhi in proceedings in the subject FIR, it has been recorded that the complainant has confirmed that the matter stands settled. A copy of order dated 04.10.2023 is appended as Annexure P-4 to the present petition.



9. In the circumstances, the court finds no merit in the demand now being raised by the complainant for the accused persons to defray his legal expenses.
10. Mr. Amit Peswani, learned counsel appearing for Ms. Nandita Rao, learned ASC (Criminal) for the State confirms that the State has no objection to the subject FIR being quashed.
11. In the circumstances, in line with the law laid down by the Supreme Court in *Gian Singh vs. State of Punjab & Anr.* reported as (2012) 10 SCC 303 as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
12. Accordingly, FIR No. 393/2021 dated 19.08.2021 registered under sections 420/34 IPC at P.S.: Bhajan Pura, Delhi is quashed as against all accused persons. All proceedings arising therefrom also stand closed.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 25, 2024/V.Rawat