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

+ **W.P.(CRL) 2371/2023**

DESH RAJ

.....Petitioner

Through: Mr. Faiz Imam and Mr. Mohammad
Haroon, Advocates.

versus

STATE OF N.C.T. OF DELHI AND ANOTHER.....Respondents

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar and Ms. Chavi Lazarus,
Advocates and SI Rajkumar, P.S.
Fatehpur Beri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.09.2024

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1. Writ Petition under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C has been filed on behalf of the petitioner for quashing of FIR No.293/2023 dated 17.07.2023 under Section 174A IPC registered at Police Station Fatehpur Beri, New Delhi.

2. It is submitted that a complaint case under Section 138 N.I.Act was filed vide CC No.4028/2017 before the learned M.M. The accused failed to appear in the Court and was declared a P.O and the present FIR under Section 174A IPC was registered. However, the complaint under Section 138 N.I.Act has been decided on 02.07.2019 wherein the petitioner has been convicted and sentenced in the Criminal Revision.



3. While the Appeal was pending vide Criminal Appeal No.322/2019, the matter got settled between the parties on 07.02.2020. In terms of MOU dated 09.08.2023, Rs.6 lakhs towards full and final settlement was paid to the complainant and the matter under Section 138 N.I Act got compromised.
4. It is, therefore, submitted that since the main case has got compounded, the present FIR be also quashed. The parties have entered into a fresh MOU dated 09.08.2023 for quashing of the present FIR.
5. Pertinently, this is an FIR registered under Section 174A IPC on account of the accused not having appeared in the Court. It is not the complainant who is an aggrieved party but the State. There cannot be compounding of the case under Section 174A IPC.
6. The petition is hereby dismissed.

NEENA BANSAL KRISHNA, J

SEPTEMBER 17, 2024

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