



\$~64

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4541/2024**
MAYUR GUPTA & ORS. Petitioners
Through: Mr. Samit Khosla, Adv.

versus

STATE NCT OF DELHI AND ANR Respondents
Through: Ms. Kiran Bairwa, APP for State with
SI Rahul, PS. ARSC/Crime Branch.
Mr. Varun Sakhuja, Adv. for R-2
along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN
ORDER
% **29.05.2024**

CRL.M.A. 17112/2024 (exemption)

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

CRL.M.C. 4541/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.73/2019 under Sections 420/120B IPC registered at Police Station Crime Branch and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. She submits that since the FIR is an outcome of a property dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
5. The petitioner nos.1 and 2, as well as, respondent no. 2 are present in



the Court whereas the petitioner no.3 has joined through VC and they have been identified by their respective counsel and by the Investigating Officer SI Rahul, PS. ARSC/Crime Branch.

6. The case of the prosecution in brief is that the respondent no.2 entered into an agreement to sell regarding sale of a property with the father of the petitioners. The father of the petitioners passed away in November 2016. A complaint was lodged by the respondent no.2 alleging cheating committed by the father of the petitioners, proprietor of RKG Builders and the three petitioners herein. A complaint made by the respondent no.2 culminated into the present FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Settlement dated 11.05.2024, which is annexed as Annexure P-4 to the present petition.

8. It is recorded in the settlement that the parties have resolved their disputes amicably and the petitioners shall pay a total sum of Rs.32 lacs to the respondent no.2 towards full and final settlement of all her claims. Out of the said amount, a sum of Rs. 13.40 lacs has already been paid by the petitioner to the respondent no.2. in the manner as mentioned in the settlement. The remaining amount of Rs. 18.60 lacs has to be paid to the respondent no.2 by the petitioners in the manner as mentioned in paragraph 4 of the settlement which reads as under:-

“4. That, now, it has further been amicably settled between the parties that the second party shall pay Rs. 2,00,000/- [Rupees two lac only] in cash to the first party on execution of this MoS and the balance amount of Rs. 18,60,000/- (Rupees eighteen lacs and sixty thousand only) shall be repaid by the second party to the first party in equal monthly instalments of Rs. 25,000/- till its final repayment.”..



9. The receipt of an amount of Rs.13.40 lacs is acknowledged by the respondent no.2, who is present in court.

10. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed subject to realisation of balance amount of Rs. 18.60 lacs.

11. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

12. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.73/2019 under Sections 420/120B IPC registered at Police Station Crime Branch alongwith all other proceedings emanating therefrom, is quashed subject to the realisation of the payment of balance amount of Rs. 18.60 lacs as stated above.



15. Needless to say that in case there is any default in payment of monthly instalments as mentioned in paragraph 4 of the Memorandum of Settlement, the respondent no.2 shall be at liberty to revive the present petition.

16. At this stage, the learned counsel for the petitioner submits that during the course of investigation the bank accounts of the petitioners were frozen by the I.O and the same may be ordered to be de-frozen since the FIR in question has been quashed.

17. Accordingly, the I.O is directed to take the necessary steps for getting the bank account of the petitioners de-frozen within two weeks from today.

18. The petition stands disposed of in the above terms.

19. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 29, 2024/dss