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

+ **CRL.M.C. 5061/2024**

SANDHYA KUMARI & ANR.Petitioners

Through: Mr. Shivam Pahal and Mr.
Deepak Sharma, Advs.
P-1 in person.
P-2 (through VC)

versus

THE STATE NCT OF DELHI AND ORS.Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State with SI
Kapil Singh, PS Timarpur.
Mr. Abhishek Tyagi, Adv.
for R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.07.2024

CRL.M.A. 19356/2024 (exemption from filing the typed copies of the dim annexures) & CRL.M.A. 19357/2024 (exemption from filing original / certified copies of the dim annexures)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

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3. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No. 359/2008 dated 23.07.2008, for offences punishable under Sections 420/406/120B/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Timarpur, including all consequential proceedings arising therefrom. The FIR was

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registered on a complaint filed by Respondent No. 2.

4. It is averred that Respondent No.2 purchased the subject property, being, Property No.6, Street No. 14, Khasra No. 81/21 or 92/1/1, area 60 yards, A-Block, Baba Colony, from Petitioner No.2 for a consideration of ₹8.65 lakhs. It is alleged that after purchasing the property, Respondent No.2 took possession of the same on 21.02.2008 and put his locks on the property.

5. It is alleged that Petitioner No.2 requested for some time to remove his belongings from the subject property, however, he failed to do so despite repeated requests of Respondent No.2. It is alleged that when Respondent No.2 went to the subject property on 04.02.2008, he found that Petitioner No.1 had broken the locks and entered the property.

6. It is alleged that Petitioner No.1 told Respondent No.2 that she was the wife of Petitioner No.2 and a dispute was ongoing between her and Petitioner No.2 regarding the subject property. It is alleged that the petitioners had conspired to fraudulently sell the subject property to Respondent No.2 and usurp the consideration amount.

7. The learned counsel for the petitioners submits that the present dispute arose out of misunderstandings between the petitioners, who were embroiled in matrimonial disputes at that time.

8. He submits that the petitioners have since divorced and the dispute has been amicably resolved with Respondent No.2.

9. The present petition is filed on the ground that the matter is amicably settled between the parties by way of a Settlement Deed dated 16.03.2024, on their own free will, without any pressure, coercion, threat or undue influence.



10. It is stated that in terms of the settlement dated 16.03.2024, the total settlement amount of ₹26,25,000/- has already been paid to Respondent No. 2.

11. Petitioner No. 1 and Respondent No. 2 are present in Court today and Petitioner No. 2 has joined the proceedings through video conferencing. The parties have been duly identified by the Investigating Officer.

12. On being asked, Respondent No. 2 submits that he has received the total settlement amount and he does not wish to pursue the proceedings arising out of the present FIR. He states that he has no objection if the same is quashed.

13. Offences under Sections 420/406 of the IPC are compoundable in nature.

14. This Court is of the opinion that no useful purpose would be served by relegating the parties to the learned Trial Court for filing an application to compound the offences.

15. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

16. However, keeping in mind the fact that the present FIR was lodged way back in the year 2008, and the State machinery has been put to motion, this Court feels that the ends of justice would be served if the petitioners are put to cost. It is seen that as per the settlement, the entire settlement amount was to be paid by Petitioner No.1.



17. In view of the above, FIR No. 359/2008 and all consequential proceedings arising therefrom are quashed, subject to the payment of a total cost of ₹10,000/- by Petitioner No.2, out of which ₹5,000/- is to be deposited with Delhi Police Welfare Society and ₹5,000/- is to be deposited with New Delhi Bar Association, within a period of eight weeks from date.

18. The proof of deposit of cost to be furnished to the concerned IO/SHO.

19. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

JULY 5, 2024

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