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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7146/2023 & CRL.MAs 26650-51/2023**

KUSUM NAWANI

.....Petitioner

Through: **Mr. Sanjay K. Chadha, Advocate**

versus

THE STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: **Ms. Manjeet Arya, APP for State with
SI Pushpender PS Begumpur, Delhi.
Ms. Charu Bhardwaj, Advocate for
complainant.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.08.2024

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1. The present petition has been filed on behalf of the petitioner seeking quashing of FIR No. 0094/2019 registered under Sections 365/392/411/323/34 IPC at P.S. Begumpur, Delhi, on the ground that an out of court settlement has been arrived at between the parties.
2. It is observed that on notice being issued, respondent No.2 has appeared through VC and has denied that any settlement has been arrived at between the parties.
3. The settlement mentioned in the petition relates to a memorandum of understanding dated 24.12.2021, the existence and validity of which have been challenged by the complainant/respondent No.2. The withdrawal of the consent to the settlement by the complainant has the effect of taking the wind out of the sails of the quashing petition, as the very settlement upon



which the petition was based has been rendered nugatory.

4. This court while entertaining quashing petitions based on settlements cannot venture into the specifics of the out of court settlement and act as an enforcer of the promises made by the parties. If one of the parties resiles from their promises, then the parties could either attempt to restart the negotiations afresh or pursue their claims and complaints before the relevant forums.

5. The scope of enquiry of this court is limited to ensuring that the settlement arrived at is a valid one, which means that it is arrived at with their free consent, without any threat or pressure or coercion or undue influence. Subsequent denial of the consent by one of the parties results in the settlement not being arrived at all and in such a situation, the petition is bound to be dismissed.

6. Thus, keeping in mind the facts and circumstances of the case, and the fact that the respondent No.2 has denied the existence of any settlement, the present petition alongwith the pending applications stand dismissed.

MANOJ KUMAR OHRI, J

AUGUST 5, 2024/rd