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

+ **W.P.(CRL) 2551/2024& CRL.M.A. 35575/2024**

SANJAY SETHI

.....Petitioner

Through: Ms. Aishwarya Dohal, Mr. Albar
Qureshi, Ms. Mansi Bidhuri, Advs.
Petitioner-in-person.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC Mr. Sangeet
Sibou, Mr. Mathew M. Philip, Mr.
Anikate, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.11.2024

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1. This is a writ petition seeking quashing of FIR No. 1149/2023 dated 03.10.2023 under Section 174A IPC registered at PS Karol Bagh.
2. It is stated by Ms. Dohal, learned counsel for the petitioner that the FIR was predicated on the fact that the petitioner was not appearing before concerned MM in proceedings under section 138 of the NI Act, 1881 in CC No. 14659/2018 and was declared a proclaimed offender. In pursuance of proceedings under section 82 Cr.PC, the FIR was registered.
3. During the pendency of the proceedings, the petitioner and respondent no. 2 arrived at a settlement and the same is recorded in the order dated 11.05.2024 before the Lok Adalat. In view of the said settlement, the respondent no. 2 has already withdrawn the complaint, i.e. CC No. 14659/2018 under section 138 of the NI Act, 1881 on 16.05.2024.
4. The petitioner is present in Court and identified by Ms. Aishwarya Dohal, Advocate.



5. I am of the view that the FIR was registered since the petitioner did not appear in the proceedings under section 138 of the NI Act, 1881 and the purpose of the proceedings under section 82 of Cr.PC was only to ensure the presence of the petitioner before the court.
6. Since the petitioner and respondent no. 2 have arrived at a settlement and the complaint *vide* CC No. 14659/2018 itself is closed, the purpose of proceedings under section 82 Cr.PC no longer survives. This court does not see any fruitful purpose if the present criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.
7. However, I am of the view that considerable time of the police and considerable judicial time has been wasted. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. Hence, the petitioner must pay costs. For the said reasons, the petitioner shall pay Rs. 45,000/- to DHCLSC within 4 weeks from today.
8. Subject to the same, the FIR No. 1149/2023 dated 03.10.2023 under Section 174A IPC registered at PS Karol Bagh and consequential proceedings emanating therefrom are quashed.
9. The proof of payment be filed within six weeks failing which file will be put up.
10. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

NOVEMBER 27, 2024/NG