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

+ **BAIL APPLN. 3437/2024**

MOHD. SALEEM JAFAR (IN J.C.)

.....Petitioner

Through: Mr. M. Hasibuddin, Advocate
(M:9810468429).

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS.....Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Pardeep Chauhan, PS New
Friends Colony, New Delhi.
Mr. Naved Ahmad, Advocate
complainants/respondent no.2 and 3
with respondent no.2 in person.

+ **W.P.(CRL) 3716/2023 & CRL.M.As. 34622/2023, 4633/2024,
7922/2024**

MS. JYOTI RAWAT & ORS.

.....Petitioners

Through: Mr. M. Hasibuddin, Advocate
(M:9810468429).

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS.....Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Pardeep Chauhan, PS New
Friends Colony, New Delhi.
Mr. Naved Ahmad, Advocate
complainants/respondent no.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.10.2024

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1. While by way of present bail application being Bail Appln. 3437/2024, the applicant *Mohd. Saleem Jafar* seeks regular bail, in W.P.(CrI.) 3716/2023, the petitioners (including petitioner No.2 *Mohd. Saleem Jafar*) seek quashing of FIR No. 03/2023 registered under Sections 420/34 IPC at Police Station New Friends Colony, New Delhi, on merits.

2. Learned counsel for the applicant *Mohd. Saleem Jafar* submits that the applicant has already paid a sum of Rs.25 lacs at the time of pendency of the bail proceedings before the learned Trial Court which finds mention in the order dated 06.06.2024 vide which the applicant was released on bail with the condition that the applicant shall fulfil the terms and conditions as stated in the draft MoU and pay a further sum of Rs.85 lacs. He submits that though the applicant could not fulfil his obligations earlier, he is ready and willing to honour the terms of the oral settlement between the parties and in this regard has brought demand drafts for a sum of Rs.85 lacs.

3. The demand drafts totalling a sum of Rs.85 lacs are handed over in Court to the learned counsel for the complainants/respondent nos. 2 and 3, the details of which are as under:

- (i) Demand draft no.213090 dated 03.10.2024 for a sum of Rs.15 lacs drawn on Yes Bank Limited.
- (ii) Demand draft no.530122 dated 03.10.2024 for a sum of Rs.5 lacs drawn on State Bank of India.
- (iii) Demand draft no.213089 dated 03.10.2024 for a sum of Rs.35 lacs drawn on Yes Bank Limited.
- (vi) Demand draft no.633474 dated 26.08.2024 for a sum of Rs.15 lacs drawn on Yes Bank Limited.
- (v) Demand draft no.213091 dated 03.10.2024 for a sum of Rs.15 lacs



drawn on Yes Bank Limited.

Learned counsel for the petitioner undertakes and assures the Court that the aforesaid demand drafts are good for payment. The said undertaking is accepted and taken on record.

4. Learned counsels for the parties pray that the prayer for quashing on merits made in the writ petition be considered now as a prayer for the quashing on basis of settlement.

5. The petitioners and respondent no.2 are present in person and are identified by their counsel and by the IO. Respondent no.2 states that she has no objection to the quashing of the subject FIR.

6. Learned counsel for the respondent no.2 submits that the respondent nos. 2 and 3 would withdraw the civil suit being CS DJ No.635/2023 pending before learned District Judge, Saket Courts, New Delhi. Learned counsel for the petitioners also states that the criminal complaint filed against the respondent Nos. 2 and 3 which was dismissed will not be pursued further. The statements made on behalf of the parties are accepted and are taken on record and they are made bound by the same.

7. In view of the aforesaid as well as on account of the settlement arrived at between the parties, the petition being W.P.(Crl.) 3716/2023 is allowed and the aforesaid FIR and all consequent proceedings are hereby quashed. The Jail Authorities are directed that the applicant/petitioner *Mohd. Saleem Jafar*, who is in judicial custody, be released forthwith, unless required in any other case.

8. Both the bail application and the petition are disposed of accordingly along with pending applications.



9. A copy of this order be communicated to the concerned Jail Superintendent forthwith for information and necessary compliance.

MANOJ KUMAR OHRI, J

OCTOBER 4, 2024/*rd*