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

+ **W.P.(CRL) 2417/2017**

SHRI PRADEEP CHHIKARA & ANR

..... Petitioners

Through: Mr.Ajay Sharma, Mr.Vipul Lamba
and Mr.Mehul Sharma, Advs. along
with the petitioners in person

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms. Nandita Rao, ASC (criminal)
with Mr.Jasraj Singh Chhabra for
the State.

SI Kuldeep Singh and SI Himanshu,
P.S. Chhawla

R-3b, c and e present in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

27.02.2024

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1. The present petition filed under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of the FIR No. 201/2013, under Sections 467/468/471/120B/34 of the IPC, registered at P.S. Chhawla and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Mr. Vishwesh, learned Metropolitan Magistrate, South-West, Dwarka, Delhi.

2. Learned counsel appearing on behalf of the petitioners submits that during the pendency of the aforesaid proceedings, parties have arrived at a Settlement deed/Memorandum of Understanding dated 31.03.2017, pursuant to which respondents nos. 3b, 3c and 3e have no objection if the present FIR



against the petitioners is quashed alongwith consequent proceedings.

3. Attention of this Court is drawn to the Order dated 23.04.2018 passed by the learned predecessor Bench of this Court wherein it is recorded as under:

“3. Respondent No.2, on her behalf and as special power of attorney of respondent No. 10 and respondent Nos.4 to 9 state that they have settled the matter with the petitioners and do not wish to pursue the above noted FIR and the proceedings pursuant thereto. Special power of attorney executed by respondent No. 10 in favour of respondeht'No.2 is taken on record. Respondent No.2 on her behalf and on behalf of respondent No. 10 and respondent Nos.4 to 9 who have been identified by the learned counsel and the Investigating Officer have signed the order sheet in acknowledgement of their statement made today.

4. However, the FIR cannot still be quashed for the reason respondent No.3 has since passed away and the petitioners are required to implead the legal heirs of respondent No.3. Amended memo of parties impleading the legal heirs of respondent No.3 would be filed within a week.”

5. Subsequently, *vide* order dated 31.07.2018, it was recorded as under:

“On the last date of hearing. Court notice was issued to the legal heirs of respondent No.3 renotified for today. As per the second amended memo of parties filed, respondent No.3 is survived by 5 legal heirs i.e. his wife, two daughters and two sons. Today, respondent No.3a-Mamta and respondent No.3d-Rohit, the wife and son of Late Tej Ram are present in Court and are identified by the learned counsel and Investigating Officer however respondent Nos.3b, 3c and 3e are not present in Court. They state that they do not wish to pursue the FIR in question and the proceedings pursuant thereto. Respondent No.3d further states



that since respondent Nos.3b, 3c and 3e are not in a condition to come to Court, he will get a special power of attorney executed in his favour to make statement on their behalf on the next date of hearing.

Respondent Nos.3a and 3d have signed the order sheet in acknowledgement of the statement made by them today.”

6. Today, petitioners and respondents no. 3b, 3c and 3e are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, S.I. Himanshu, P.S: Chhawla.

7. Respondents no. 3b, 3c and 3e state that the matter has been settled with the petitioners and they have no objection if the FIR is quashed.

8. In view of the settlement between the parties, learned ASC for the State also has no objection if the present FIR is quashed.

9. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon’ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 201/2013, under Sections 467/468/471/120B/34 of the IPC, registered at P.S. Chhawla and all other



consequential proceedings emanating therefrom, including the chargesheet pending before the court of Mr. Vishwesh, learned Metropolitan Magistrate, South-West, Dwarka, Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 201/2013, under Sections 467/468/471/120B/34 of the IPC, registered at P.S. Chhawla and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Mr. Vishwesh, learned Metropolitan Magistrate, South-West, Dwarka, Delhi, is hereby quashed.

12. Petition is allowed and disposed of accordingly.

13. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 27, 2024/ns