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

+ **W.P.(CRL) 428/2025**

DHARMENDER SINGH

.....Petitioner

Through: Counsel for Petitioner (appearance
not given) with Petitioner.

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Rahul Tyagi, ASC for the State
with SI Vijay PS Seema Puri.
Mr. Nitish Kumar Singh, Mr.
Shashank Kumar and Mr. Amit
Kumar Thakur, Advocates.
Respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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07.07.2025

CRL.M.A. 3905/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 428/2025

3. Petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (under Section 482 of the Code of Criminal Procedure, 1973) (*hereinafter referred to as 'Cr.PC'*), has been filed on behalf of the Petitioner for quashing of FIR No. 93/2019 dated 11.02.2019 under Section 406 and 420 of the Indian Penal Code, 1860 (*hereinafter*



referred to as 'IPC') registered at Police Station Seemapuri, Shahdara and all the consequential proceedings emanating therefrom.

4. Issue Notice.

5. On advance Notice, learned ASC has appeared and accepts the Notice on behalf of the State.

6. Brief facts of the case are that on 15.02.2015, the Respondent No. 2 taken gold loan Rs.90,000/- and Rs.15,000/- in two different loan accounts from the IIFL Gold Loan. In October, 2016, the Respondent No. 2 deposited Rs.72,000/- and Rs.20,000/- in the IIFL Gold Loan in Dilshad Garden Branch. While working with Dilshad Branch of the Gold Loan Company, the Petitioner did not deposit the same in loan account of the Respondent No. 2.

7. On 11.02.2019, on the Complaint of the Respondent No.2, FIR No. 93/2019 dated 11.02.2019 under Section 406 and 420 IPC, got registered at Police Station Seemapuri, Shahdara. In August, 2021, the Petitioner was arrested and subsequently released on Bail. Meanwhile, the Petitioner suffered with tongue cancer and currently he is under treatment.

8. It is stated that the Petitioner and the Respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement dated 04.02.2025.. In the Settlement, it was *inter alia* settled between the parties that the Petitioner agreed to pay a sum of Rs.11,000/- to the Respondent, in two equal instalments. It is further settled between the parties that the first instalment of Rs.55,000/- shall be paid by the Petitioner at the time of signing of the present Petition while second instalment of Rs.55,000/- shall be paid by the Petitioner to the Respondent No. 2 at the time of hearing/quashing the case. In support thereof, the Affidavit of Jay



Kishan, Respondent No. 2 dated 04.02.2025 has been annexed. In view of the Settlement, no grievance remains between the parties.

9. Today, the Respondent No. 2, who is present in the Court, has been identified by the Investigating Officer and states that he has received the cheated amount and has no objection if the said FIR is quashed.

10. The Statement of the parties have already been recorded before the learned Joint Registrar. They have entered into the Settlement voluntarily and without any fear and coercion and undertake to remain bound by the terms of the said Settlement.

11. Considering that the parties have settled the matter, the FIR No. 93/2019 dated 11.02.2019 under Section 406 and 420 IPC, registered at Police Station Seemapuri, Shahdara and all the consequential proceedings emanating therefrom, are quashed

12. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

JULY 7, 2025/RS