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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8879/2024**
DEVENDER SINGH KALIRAVNAPetitioner

Through: Mr. Aamir Chaudhary, Mr. Rahul
Sahani and Ms. Sakshi Yadav, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Aman Usman, APP for State with
SI Sombir, PS. Safdarjung Enclave.
Mr. Ankur Saini, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
28.01.2025

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.310/2023 in connection with CC No.8/2018 under Section 174A IPC registered at Police Station Safdarjung Enclave and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement in the complaint case, of which the FIR is an offshoot.
2. Notice was issued in the present petition on 13.11.2024.
3. The learned APP submits that the parties in the complaint case have arrived at a settlement, therefore, the State has no objection in case the FIR in question is quashed.
4. The petitioner is present in Court whereas the respondent no.2 has



joined through VC and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Sombir, PS. Safdarjung Enclave.

5. The learned counsel for the petitioner submits that the present FIR came to be registered during the pendency of the proceedings of the complaint under Section 138 of NI Act filed by the respondent no.2. He submits that it is on account of non-appearance of the present petitioner/accused that the proceedings were initiated under Section 82 CrPC and thereafter, on account of non-appearance of the petitioner, he was declared as a proclaimed offender and direction was given by the learned Metropolitan Magistrate *vide* order dated 18.03.2023 to the SHO concerned to take necessary steps, which led to the registration of aforesaid FIR.

6. During the pendency of proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Settlement dated 08.01.2024, which is annexed as Annexure A-3 to the present petition.

7. It is a term of the settlement between the parties that the petitioner shall pay a total sum of Rs.12 lacs to the respondent no.2 towards full and final settlement of all his claims in the manner as mentioned in the settlement. The entire amount of Rs. 12 lacs has already been paid to the respondent no.2 by the petitioner *vide* DD 540046 dated 08.12.2024 issued by the ICICI Bank, Bhikaji Branch, Delhi. Further, in view of the settlement the offence under Section 138 of NI Act was compounded *vide* order dated 15.01.2024 passed by the learned Metropolitan Magistrate.

8. Having regard to the fact that the offence in the complaint case itself got compounded, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.



9. This Court is of the view that it is a fit case for exercise of powers under Section 528 BNSS. The respondent no.2, on a query posed by the Court, also states that he has no objection in case the FIR is quashed.
10. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
11. Consequently, the petition is allowed and the FIR No.310/2023 in connection with CC No.8/2018 under Section 174A IPC registered at Police Station Safdarjung Enclave alongwith all other proceedings emanating therefrom, is quashed.
12. The petition stands disposed of in the above terms.
13. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 28, 2025/dss