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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3912/2024 & CRL.M.A. 37792/2024**

SUNIL TYAGI

.....Petitioner

Through: **Mr. S.P. Gairola and Mr. V.K. Sharma, Advs. along with Petitioner**

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondent

Through: **Mr. Sanjay Lao, Standing Counsel (CRL.) with Mr. Abhinav Kumar, Adv. SI Vikas Rathi, PS Burari**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **15.01.2025**

1. The present petition has been filed on behalf of Petitioner under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No. 597/2016, dated 01.12.2016 registered at Police Station – Burari, Delhi for offence under Section 420 of the Indian Penal Code, 1860 ('IPC') on basis of the Settlement Deed dated 06.10.2018, which is on record of this Court.
2. The Petitioner is present in Court and has been identified by the counsel as well as by the Investigating Officer ('IO').
3. Respondent No. 2 as well is present in Court and is identified by the counsel for the Petitioner and the IO.
4. Learned counsel for Respondent No. 2 confirms that parties have entered into the Settlement Agreement dated 06.10.2018. He states that the Respondent No. 2 has received a sum of Rs. 4,20,000/- and an amount of Rs. 30,000/- remains outstanding. He states that Respondent No. 2 has consented to the quashing of the present FIR.



5. In response learned counsel for the Petitioner states that a demand draft for a balance amount of Rs. 30,000/- has been brought to the Court. He has handed over the said demand draft to the counsel for the Respondent No. 2 through counsel for Respondent No. 2.
6. The FIR is still at the stage of investigation and no charge-sheet has been filed.
7. Considering the above settlement between the parties and the chances of conviction of the petitioner(s) being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Accordingly, the petition is allowed.
8. Consequently, the FIR No. 597/2016, dated 01.12.2016 registered at Police Station Burari, Delhi for offences under Section 420 of IPC and proceedings emanating therefrom are quashed.
9. Parties shall abide by the terms of settlement.
10. Pending application is disposed of as infructuous.
11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 15, 2025/hp/MG