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

+ W.P.(CRL) 393/2016

SUMAN & ORS

..... Petitioners

Through: Mr.Gurmeet Singh, Advocate with
petitioners in person

versus

STATE & ANR

..... Respondents

Through: Ms.Srilina Roy, Advocate for
Ms.Nandita Rao, A.S.C. for the State
with SI Deepak Tanwar PS Malviya
Nagar
Mr.Ajay Mehrotra, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **01.06.2016**

WP(Crl.) 393/2016 & CRL.M.A.2115/2016

1. This petition is filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.2100/2015 under Sections 448/420/34 IPC registered at P.S. Malviya Nagar, Delhi and consequential proceedings arising therefrom.

2. Brief facts, as stated in the petition, are that the present FIR was registered on the complaint of respondent No.2 that on 22.09.2015 when he

visited, the petitioners had trespassed and illegally possessed his Flat No.66, 1st Floor, Back Portion, Patti Hamid Sarai, Begumpur, Malviya Nagar, Delhi and shown him sale deed executed in favour of petitioner No.1. filed a complaint against the petitioners, which resulted into registration of FIR in question. It is further stated in the petition that during the pendency of the proceedings, the parties arrived at an amicable settlement with the intervention of respectable persons of the society. The copy of the settlement has also been placed on record as Annexure-B. It is further stated in the petition that respondent No.2 has received the settled amount as per the compromise arrived. Hence the present petition has been filed before this Court for quashing of the FIR in question.

3. Learned counsel for the petitioners submits that the matter in dispute has been amicably settled and no purpose would be served in prosecuting the petitioners, therefore, the FIR may be quashed.

4. Respondent No.2/complainant also affirms that, as per the settlement, he has received a balance sum of Rs.2,50,000/- (Rupees two lakh fifty thousand only) out of the total settled amount of Rs.12,50,000/- (Rupees twelve lakh fifty thousand only) in full and final settlement from the petitioners and he is not interested in prosecuting the petitioners and submits that the said FIR and all proceedings emanating therefrom may be quashed.

5. On behalf of the State/R-1, learned Addl. Standing Counsel further submits that some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery for recovery.

6. Petitioners are directed to deposit the cost of ₹ 10,000/- (Rupees ten thousand only) with the 'Home for Leprosy and T.B. Affected Beggars',

Tahir Pur, Delhi-110093, within two weeks from today and proof thereof shall be placed on record.

7. In view of the amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR No.2100/2015 under Sections 448/420/34 IPC registered at P.S. Malviya Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed subject to deposit of cost by the Petitioner herein.. The Parties shall abide by the terms and conditions of the settlement/compromise deed dated 09.12.2015 arrived at between them, copy of which is placed on record.

9. A copy of this order be sent to 'Home for Leprosy and T.B. Affected Beggars', Tahir Pur, Delhi-110093 for information.

Order Dasti.

PRATIBHA RANI, J.

JUNE 01, 2016

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