

(2010) 08 DEL CK 0099
In the Delhi High Court
Case No : Criminal M.C. 615 of 2010

Pradeep Kumar and Another	Vs	APPELLANT
State and Another		RESPONDENT

Date of Decision : 02-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2010) 08 DEL CK 0099

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : R.P. Sharma and Party in Person, for the Appellant; M.N. Dudeja, APP and Bansi Lal, IO/SI and Party-in-Person and His father, Gurcharan Singh Bedi, for the Respondent

Judgement

Hima Kohli, J.—The present petition is filed by the petitioners u/s 482 of the Cr.PC praying inter alia for quashing of FIR No. 425/2004 lodged against them by the respondent No. 2, whose father is a tenant of part of the first floor of premises bearing No. 8673, Siddiqui Manzil, Bahargarh, Roshanara Road, Delhi, owned by them. On the basis of the complaint, an FIR was registered with Police Station: Subzi Mandi.

2. It is stated by the counsel for the petitioners that the genesis of the dispute between the parties is the tenanted premises under the occupation of father of the respondent No. 2 and his family. The details of the pending litigations between the parties have been set out in the Agreement dated 03.07.2009, entered into between the petitioners and the father of respondent No. 2 (Annexure-C). Counsel for the petitioners submits that apart from the two civil litigations, mentioned at Serial No. 5 and 6 at internal page 2 of the aforesaid agreement, there are four other litigations, out of which those covered under the FIR, subject matter of the present petition, are mentioned at Serial No. 1 and 2. It is stated by the counsel for the petitioners that during the pendency of the present proceedings, the parties have arrived at a settlement in respect of all

other litigations except for the present FIR. As a result of the settlement, the petitioners have agreed to pay a sum of Rs. 6,50,000/- to the father of respondent No. 2, out of which, a sum of Rs. 4,00,000/- has already been paid. The balance sum of Rs. 2,50,000/- has been agreed to be paid by the petitioners immediately upon the vacant physical possession of the tenanted premises being handed over by the father of respondent No. 2 to them.

3. The respondent No. 2 and his father are present in Court and they confirm that the aforesaid settlement has been arrived at with the petitioners of their own free will and volition. Respondent No. 2 also informs the Court that after executing the Agreement dated 03.07.2009, another Agreement dated 31.08.2009 was executed between the parties on the same lines, so as to extend the time to complete the terms and conditions of the earlier Agreement. He states that immediately upon receipt of the balance sum of Rs. 2,50,000/-, his father shall hand over vacant peaceful possession of the tenanted premises to the petitioners, which fact is confirmed by his father as well. Both, the respondent No. 2 and his father are identified by the counsel for the petitioners.

4. The parties also draw the attention of this Court to the order dated 10.07.2009 passed by the Additional Rent Controller, recording the compromise arrived at between them and the permission granted to the petitioners to withdraw the eviction petition against the father of respondent No. 2.

5. Learned APP states that he has no objection to the present petition being allowed in view of the settlement arrived at between the parties.

6. The aforesaid settlement is stated to have been arrived at between the parties of their own free will and volition and without any undue influence or coercion from any quarter, which fact is also confirmed by the parties, who are present in Court. Having regard to the fact that the nature of dispute between the parties is primarily civil in nature and relates to a tenanted premises and the present FIR is only an offshoot thereof, there appears no justification in pursuing the present FIR, which is still at the stage of framing of charges, when all other litigations between them have been amicably resolved.

7. In this view of the matter, the present petition is allowed. FIR No. 425/2004 stands quashed, subject to the condition that the petitioners No. 1 and 2 shall collectively pay a sum of Rs. 5,000/- and the respondent No. 2 shall pay a sum of Rs. 5,000/- as costs for having set in motion the State machinery. The said costs shall be deposited with the Advocates' Welfare Fund within two weeks. Copy of proof of deposit of the aforesaid costs shall be furnished to the learned APP for the State within two weeks.

8. The petition is disposed of. File be consigned to the record room.