
(2008) 08 DEL CK 0212
In the Delhi High Court
Case No : Criminal M.C. No. 880 of 2007

Rajbir Singh

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 18-08-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 420

Citation : (2008) 08 DEL CK 0212

Hon'ble Judges : Manmohan, J

Bench : Single Bench

Advocate : Sanjay Gupta, for the Appellant; Sunil Kapoor and Ashish Dalal, SI, for the Respondent

Final Decision : Allowed

Judgement

Manmohan, J.—The present petition has been filed u/s 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 1164/2006, registered with PS Kalkaji, New Delhi, under Sections 420 and 120B IPC.

2. Briefly stated, the material facts of this case are that the Respondent No. 2, Shri Sukhwant Singh, lodged a complaint against the Petitioner, Shri Ashok Kwatra and Smt. Rajni Kwatra. According to the Respondent No. 2, he had paid an amount of Rs. 2 lacs to the Petitioner for arranging a "Visa" to travel to Korea. On the basis of the aforesaid complaint, the impugned FIR has been registered against the Petitioner and other two accused.

3. On 17th March, 2007, the Petitioner and the complainant compromised the matter. In accordance with the said settlement the Petitioner had initially paid a sum of Rs. 1 lac by cash and the final instalment of Rs. 1 lac was also paid on 3rd April 2007, as recorded by this Court in its order.

4. The counsel for the Respondent No. 2 is present in Court and he reiterates that his client has settled the matter with the Petitioner and he has no objection

if the FIR filed by him qua the Petitioner is quashed.

5. The IO, Mr. Ashish Dalal, is present and he states that there is another case filed by the cousin brother of Respondent No. 2, namely, Shri Raju Singh against the Petitioner. The learned Counsel for the Petitioner has handed over in Court a copy of the settlement executed between the Petitioner and Shri. Raju Singh, in terms of which Shri Raju Singh has also been paid a sum of Rs. 4 lacs in full and final settlement. The IO also confirms the said settlement.

6. In view thereof, I am of the opinion that the ends of justice would be subserved if the present FIR is quashed qua the Petitioner alone. Accordingly, the FIR No. 1164/2006 u/s 420 and 120B IPC registered with PS Kalkaji, New Delhi, qua the Petitioner is quashed.

7. It is made clear that the proceedings against the other accused will continue.

8. The present petition is allowed in the above terms.

9. Order dasti.