

(2020) 01 DEL CK 0460

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 468 Of 2020

Umesh Kumar

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 28-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0460

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Sunieta Ojha, Izhar Ahmed

Final Decision : Allowed

Judgement

Suresh Kumar Kait, J

CRL. M.A. 1943/2020

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

CRL.M.C. 468/2020

3. Vide the present petition, the petitioner seeks direction thereby quashing FIR No. 620/2015 dated 10.08.2015 registered at Police Station - Dwarka South, New Delhi and all other proceedings emanating therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for the State.

6. With the consent of the counsel for the parties, the present petition is taken up for final disposal.

7. The present petition is filed on the ground that the parties have settled their disputes and the respondent no. 2 has no objection if the present petition is

allowed.

8. Respondent No. 2 is personally present in Court and she has been identified by Inspector Ram Niwas/IO and submits that matter has been settled and she does not wish to prosecute the matter any further.

9. The petitioner and respondent no.2 have entered into an amicable settlement vide memorandum of understanding/settlement dated 24.01.2020.

10. Learned counsel for the petitioner prays that the present petition may be allowed.

11. Learned APP has opposed the present petition and submits that the petitioner is an Advocate by provision and he has cheated the respondent No. 2/ complainant, therefore, if this Court is inclined to quash the FIR, heavy costs may be imposed upon the petitioner.

12. As per the settlement, the total amount which is to be paid by the petitioner towards settlement is Rs.5,50,000/- against an amount of Rs.5,36,000/- received from the respondent No. 2/ complainant in the year 2015. In the year 2020, the respondent No. 2 is receiving an amount of Rs.5,50,000/-.

13. Learned counsel for petitioner, on instructions from the petitioner, who is present in Court, has come forward and submits that the petitioner is ready to give an amount of Rs.1,60,000/- towards the interest in lumpsum to the respondent No. 2.

14. Taking into account the aforesaid facts, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting the petitioners any further.

15. Two demand drafts bearing Nos. 649066 dated 30.11.2019 for Rs.5,00,000/- and 649263 dated 23.01.2020 for Rs.50,000/-, both drawn on State Bank of India have been handed over to respondent no. 2 today in Court.

16. It is made clear that an amount of Rs.1,60,000/- shall be paid within one week from today by way of demand draft and receipt of the same shall be furnished to the investigating officer.

17. Keeping in view the settlement arrived at between the parties, the FIR No. 620/2015 dated 10.08.2015 registered at Police Station - Dwarka South, New Delhi and consequent proceedings therefrom are quashed.

18. The petition is allowed accordingly. Dasti.