

Manoj Bhalla vs State & Anr on 19 January, 2023

Author: Swarana Kanta Sharma

Bench: Swarana Kanta Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 3220/2019
MANOJ BHALLA

Through: Mr. Pawan Jain, Advoc

versus

STATE & ANR.

Through: Mr. Manoj Pant, APP f
IO.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA
ORDER

% 19.01.2023

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners seeking quashing of FIR bearing no. 447/2012 registered at Police Station Hari Nagar, New Delhi for offences punishable under Sections 420/468/471 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom.

2. Petitioner is present before this Court and has been identified by his counsel Mr. Pawan Jain and Investigating Officer (IO), Police Station, Hari Nagar, New Delhi.

3. The brief facts of the case are that the father of petitioner and the respondent nos. 2 & 3 herein are close family members as respondent no. 2 is mother of the petitioner no. 1 and the respondent no. 3 is real sister of the petitioner no. 1. The father of the petitioner no. 1 and the respondent no. 3 i.e. husband of the respondent no. 2 herein expired on 04.10.2009, after which some disputes and differences arose between petitioner and the respondent nos. 2 & 3, as a result thereof, the respondent nos. 2 & 3 herein had filed a complaint under Section 156(3) of Cr.P.C. before the Court of Metropolitan Magistrate, West District, Tis Hazari Courts, Delhi seeking directions for registration of a case/FIR under Sections 420/468/471 IPC against the petitioner on the allegations that the petitioner had played fraud upon the respondent nos. 2 & 3 and deprived them from their money which was deposited in their name in the form of FDRs and that the petitioner got opened two bank accounts in the name of the respondents no. 2 & 3 even without their knowledge, but to cheat them. Thereafter, on the directions of the learned Trial Court under Section 156(3) of Cr.P.C., a FIR bearing no. 447/2012 under Sections 420/468/471 of IPC was registered against the petitioner at P.S. Hari Nagar, Delhi. During trial of the abovesaid complaint case and the connected

matter, the petitioner and the respondent nos. 2 & 3 with the intervention of their elder family members, relatives and respectable persons of the society amicably resolved all their dispute, differences and claims against each other and decided to live peacefully in future. The petitioner and respondent nos. 2 & 3 entered into a Compromise Deed dated 15.01.2019 with respect to their amicable settlement.

4. On a query made by this Court, respondent nos. 2 & 3 who have been identified by the IO, has categorically stated that they have entered into compromise out of their own free will and without any pressure, coercion or threat. It is also stated by respondent nos. 2 & 3 that the entire dispute has been amicably settled between them. Respondent nos. 2 & 3 further stated that they have no objection if FIR may be quashed.

5. In view of the above fact that the parties have amicably resolved their differences out of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

6. Accordingly, FIR bearing no. 447/2012 registered at Police Station Hari Nagar, New Delhi for offences punishable under Sections 420/468/471 of IPC and all consequential proceedings emanating therefrom are quashed.

7. The petition stands disposed of.

8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J JANUARY 19, 2023 ns