

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3115/2010
IRFAN KHAN

..... Petitioner
Through : Mr. Harish Pandey, Adv with
petitioner in person.

versus

STATE & ANR

..... Respondents
Through : Ms. S. Kohli, APP for State.
Respondent No.2/complainant
in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 30.09.2010

1. The present petition is filed by the petitioner under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.414/1997 lodged by the respondent No.2/complainant, against the petitioner, under Sections 435 IPC with PS Narela, Delhi and all proceedings arising therefrom.

2. It is stated by the counsel for the petitioner that disputes between the parties were civil in nature and arose on certain property matters. As a result, the parties initiated various litigations against each other. One of the litigation is the present FIR, subject matter of which is an incident which occurred on 27.9.1997. It is now stated by the parties that they have arrived at a settlement, as recorded in the

CRL.M.C. 3115/2010

Page No.1 of 3

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

2
Compromise Deed dated 8.2.2010 (Annexure P-3). In terms of the terms and conditions of the settlement arrived between the parties, they have agreed that the disputed property shall be divided between the parties in the mode and manner as set out in the aforesaid Compromise Deed.

3. Respondent No.2/complainant, who is present in the Court and is identified by the counsel for the petitioner, confirms that the aforesaid settlement has been arrived at between the petitioner and her as also her family members, and that she has signed the aforesaid Compromise Deed of her own free will and volition and without any undue influence or coercion from any quarters. She further states that she has no objection to the aforesaid FIR, lodged by her against the petitioner, being quashed.

4. After investigations were completed, a charge sheet has been filed and the matter is stated to be at the stage of recording of prosecution evidence.

5. Learned APP for the State submits that the State has no objection to the prayer made in the petition being allowed. He however, submits that in view of the fact that the petitioner has put into motion the legal machinery of the State, which has resulted in incurring of unnecessary expenditure and wastage of time, he be put

to terms for seeking the relief in the present petition.

3

6. Accordingly, the petition is allowed in view of the aforesaid compromise arrived at between the parties. FIR No.414/1997 and all proceedings arising therefrom stand quashed, subject to payment of costs of ₹.10,000/-, out of which the petitioner shall deposit a sum of ₹.5,000/- with the Delhi High Court Mediation & Conciliation Centre and the remaining sum of ₹.5,000/- shall be deposited with the Delhi High Court Legal Services Committee, within a period of two weeks. Copy of proof of deposit of the aforesaid costs shall be furnished to the learned APP for the State within one week thereafter.

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



HIMA KOHLI,J

SEPTEMBER 30, 2010
sk