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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. No.1728/2020**

M/S N.S.BUILDER AND DEVELOPERS & ORS..... Petitioners

Through: Mr.Sanjeev Kumar, Mr.Murari
Kumar & Mr. Achint Kumar
Advocates

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Kamal Kumar Ghei, APP for
State with SI Manjeet
Ms.Anisha Mathur, Adv for R-2

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **31.08.2020**

(Hearing through Video Conferencing)

Crl.M.A. No. 11940/2020

Exemption allowed, subject to just exceptions

Crl.M.C. No. 1728/2020 and Crl.M.A. No.11941/2020

The petitioners vide the present petition seek quashing of FIR No. 76/17, Police Station Model Town under Sections 406/420/463/464/465/503/506/34/35/120B of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioners and the respondent No.2.

Learned counsel for the respondent No.2 present on behalf of the respondent No.2 denies the aspect of any settlement having been arrived at between the parties qua which learned counsel for the petitioners submits that the said submission is contrary to the

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settlement agreement arrived at in the form of an affidavit-cum-indemnity stated to have been submitted by the respondent No.2.

It has been submitted on behalf of the respondent No.2 that an application seeking the monitoring of the investigation of the FIR has also been filed by the respondent No.2 before the Magistrate concerned coupled with the statement made by the Investigating Officer SI Manjeet Singh also present through Video Conferencing to the effect that the investigation of the matter is in progress.

Learned counsel for the petitioners however submits that the FIR itself is not maintainable even on merits and thus seeks to withdraw the present petition filed primarily on the ground of a stated settlement between the petitioner and the respondent no.2, seeking liberty to file the petition afresh seeking quashing of the FIR on merits.

In view of the submission made on behalf of the petitioners the present petition CrI.M.C. No. 1728/2020 is thus dismissed as withdrawn with liberty granted, as prayed.

ANU MALHOTRA, J

AUGUST 31, 2020/SV

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