

Dharam Singh Vs. State and anr

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Court : Delhi

Decided On : Nov-24-2011

Judge : Suresh Kait, J.

Acts : Indian Penal Code (IPC) - Section 420

Appeal No. : CRL.M.C. No. 4551 of 2006

Appellant : Dharam Singh

Respondent : State and anr

Judgement :

1. Instant petition has been preferred by the petitioner against the impugned order 22.05.1999 whereby learned Trial Court has issued summons against the petitioner for the offence under Section 420 Indian Penal Code in the complaint case filed by respondent No.2.
2. He further submits that petitioner and respondent No.2 are real brothers and now they have amicably settled all the issues qua the present complaint case and respondent No.2 does not wish to pursue his case any further.
3. Respondent No.2 is personally present in the Court and has been duly identified by his counsel Mr.S. K. Runga, learned Senior Advocate. On instructions, learned Senior Advocate submits that all the issues with respect to present complaint case has been settled with the petitioner and respondent No.2 does not wish to pursue

his case no more and wishes to withdraw the same having been amicably settled.

4. Mr.Navin Sharma, learned APP for State submits that being the complaint case, he has no objection if the instant petition is allowed.

5. I note that vide the impugned order, learned Trial Court has issued the summons to petitioner in a criminal complaint case preferred by and respondent No.2. Pursuant to amicable settlement, respondent No.2 wishes to withdraw the same. There seems to be no legal embargo that the complaint case cannot be withdrawn by the complainant.

6. Keeping the settlement between the petitioner and respondent No.2 into view, the criminal complaint case filed by respondent No.2 against petitioner stands withdrawn. Consequently, petitioner stands discharged therefrom.

7. Accordingly, Criminal M.C.No.4551/2006 stands allowed and disposed of.

8. In view of above, order, Criminal M.A.7683/2006 becomes infructuous and accordingly, stands disposed of as such.

9. No order as to costs.

10. Dasti.

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