

Prem Kumar and Other Vs. State and Another

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SooperKanoon Citation : sooperkanoon.com/948243

Court : Delhi

Decided On : Feb-17-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 584 OF 2012

Appellant : Prem Kumar and Other

Respondent : State and Another

Judgement :

SURESH KAIT, J: (Oral)

1. Issue notice.
2. Mr. Navin Sharma, learned Additional Public Prosecutor accepts notice on behalf of the State/respondent No.1.
3. Mr. Jagdish Lal Lamba, respondent No.2 is present in person.
4. With the consent of Id. Counsels for parties, instant petition is taken for disposal.
5. Learned counsel for the petitioners submits that vide FIR No. 680 dated 21.6.1999, case under Sections 420 of Indian Penal Code, was registered at P.S. Rajouri Garden, New Delhi against the petitioners, on the complaint of respondent No.2.

6. Learned counsel for the petitioners further submits that the matter has amicably been settled between the parties vide compromise deed dated 13.02.2012 for a total sum of `70,000/-.

7. Further submits that the respondent No.2/complainant does not wish to pursue the case, therefore the FIR mentioned above and all emanating proceedings thereto may be quashed.

8. Mr. Jagdish Lal Lamba, respondent No.2 who is present in person submits that he has settled all the issues qua the aforesaid FIR and the settlement amount has been received by him therefore, he is no more interested to pursue the case further and he has no objection if the above mentioned FIR is quashed.

9. Learned APP for the State on the other hand submits that initially the FIR in this case was registered under Section 420 Indian Penal Code, 1860. During investigation Sections 468/471/34 Indian Penal Code, 1860 were added, accordingly, charge-sheet against the petitioners was filed under Section 420/468/471/34 Indian Penal Code. However, the matter is pending for consideration of charge.

10. He further submits that in this process Government machinery has been pressed into and precious time of the Court has been consumed. Therefore, if this court is inclined to quash the FIR, heavy costs should be imposed upon petitioners.

11. Keeping in view of the compromise deed dated 13.02.2012 and the statement of the respondent No.2 who is no more interested to pursue the case, therefore, in the interest of justice, I quash the FIR No. 680 dated 21.06.1999 registered at P.S. Rajouri Garden with all the proceedings emanating therefrom.

12. Though, I find force in the submissions of Id. APP, however, keeping the financial position of the petitioners, I refrain in imposing costs on them.

13. Criminal M.C. 584/2012 is disposed of.

14. Dasti.

