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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1954/2022 & CRL.M.A. 16940/2022 (stay)

ANIL KUMAR & ORS. Petitioners

Through: Mr. Ashish Aggarwal, Advocate for
petitioner no. 1 and 2.
Ms. Anuradha Yadav, Advocate for
petitioner no. 3 and 4.

versus

THE STATE & ANR. Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
the State with SI Bansi Lal, P.S.
Ambedkar Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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29.08.2022

1. The instant petition under Article 226 of Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners praying for quashing of FIR bearing No. 627 of 2017 registered at Police Station Ambedkar Nagar, Delhi for offences punishable under Sections 420 of the Indian Penal Code.

2. In the present case, the FIR was filed on 06.12.2017, wherein the main grievance of the Respondent no. 2 has been that Petitioners have falsely promised that on investing money in a society namely Anand Jan Sewa the

money will get doubled and upon *bonafide* belief the Respondent no. 2 invested a sum of Rs. 26,50,000/- with the said society. Thereafter, the Respondent no. 2 realised that the Petitioner had no intention to return the monies. With the intervention of family members, common friends and relatives, the parties reached an amicable oral settlement in April, 2022 and have left with no grievance between them.

3. Notice. Ms. Rupali Bandhopadhya, learned ASC accepts notice on behalf of the State.

4. Petitioners are present before this Court and have been identified by their counsel Mr Ashish Aggarwal, Advocate (for petitioner nos. 1 and 2) and Ms. Anuradha Yadav, Advocate (for petitioner nos. 3 and 4) and Investigating Officer (IO) SI Bansi Lal from Police Station Ambedkar Nagar, Delhi.

5. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that he has entered into compromise out of his own free will and without any pressure, coercion or threat. It is also stated that with the intervention of friends and relatives, the petitioners have settled the matter with the respondent no. 2 and respondent no. 2 has left with no grievance against the petitioner.

6. Today, the complainant/respondent no. 2 who is present in Court states that he has no objection if the FIR is quashed.

7. In view of the above fact that the parties have amicably resolved their differences 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.

8. Accordingly, FIR bearing No. 627/2017 registered at Police Station Amebedkar Nagar, Delhi for offences punishable under Section 420 of the IPC and all consequential proceedings emanating therefrom are quashed.

9. However, the matter has been pending for the last 5 years before various courts. It is clear that the parties have taken their own time to inform the court finally that the FIR be quashed. In these circumstances, the time of the court and the investigating agency both has been consumed. The parties have expressed their willingness to compensate for the time so consumed by donating something for a socially relevant cause.

10. There has been an urgent call to pay attention towards the depleting green cover. We need to ensure suitable steps are taken to protect environment for the coming generations. Becoming part of programmes towards improving green corridors is the need of the hour.

11. This Court takes notice of the fact that on 28th August 2015, a project for Greening (Plantation & Its Maintenance) of National Highways was launched by the Ministry of Road Transport & Highways. The objective of the project is to ensure landscaping and plantation of trees along with the National Highways. A fund regarding the same has been formed called "*Green Highways Fund*". The NHAI has been empowered to act as a Fund Manager for maintaining the account and to ensure release of payments as per the requests made by Regional Officer / PD and recommendations of monitoring agency (IHMCL). The cost of Rs.25,000/- imposed upon the parties is directed to be deposited with "Green Highways Fund" which shall be used for the purpose of landscaping and plantation of trees along the National Highways. Receipt thereof be filed before the Registry of this

Court within a week.

12. The petition stands disposed of. The pending application also stands disposed of.

SWARANA KANTA SHARMA, J

AUGUST 29, 2022/kss