

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

+ **CRL.M.C.No.2830/2008**

% **Date of Decision: 28.08.2008**

Jagmander Gupta & Others

.... Petitioners

Through Mr.H.S. Phoolka, Sr. Advocate with  
Mr.H.S. Ahluwalia, Advocate for  
petitioner Nos.1 to 3 along petitioner  
petitioner No.1 in person.  
Mr.Raju Dudani, Advocate for  
petitioner No.4 along with petitioner  
No.4 in person.

Versus

State, NCT of Delhi

.... Respondent

Through Mr.Amit Sharma, APP for the State  
along with SI Sunil Kumar, EOW.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KUMAR**

- |    |                                                                       |     |
|----|-----------------------------------------------------------------------|-----|
| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not?                                | NO  |
| 3. | Whether the judgment should be reported in the Digest?                | NO  |

**ANIL KUMAR, J.**

\*

Petitioner No.1 and petitioner No.4 are present along with their counsel. It is contended that petitioner No.4/complainant has settled all his disputes with petitioner Nos.1 to 3. A copy of the settlement agreement has been produced under which a total sum of Rs.3.25 crore was payable to the petitioner No.4 out of which Rs.1.25 crore was paid

to him earlier and the balance amount of Rs.2.00 crore has been paid to him today in the court by way of demand drafts bearing Nos.132353 and 132354 both dated 21.08.2008 for an amount of Rs.50 lakh each drawn on ICICI Bank Limited, G-2, Vikaspuri, New Delhi-110018 and drafts No.651576 dated 22.08.2008 and 651601 dated 23.08.2008 for an amount of Rs.50 lakh each drawn on Vijaya Bank, Service Branch Delhi. Photocopies of the drafts are annexed with the petition.

Let the statement of petitioner No.4 be recorded.

Statement of petitioner No.4 has been recorded who has been identified by his counsel. The petitioner No.4 has also given an affidavit in support of the petition seeking quashing of the FIR No.771/2007 dated 27.10.2007 under Sections 120B/409/420 of Indian Penal Code registered at Police Station Ambedkar Nagar and all the proceeding emanating therefrom.

Considering the facts and circumstances that the suit for specific performance filed by the petitioner No.4 has since been settled and all the amounts have been paid to the petitioner No.4 under the settlement, no useful purpose shall be served in continuing with the proceedings pursuant to above-said FIR. It shall also be in the interest of justice in case the FIR and all the proceedings emanating therefrom are quashed.

Learned Additional Public Prosecutor, Mr.Sharma, has also no objection to quashing of FIR No.771/2007 dated 27.10.2007 under Sections 120B/409/420 of Indian Penal Code registered at Police Station Ambedkar Nagar and all the proceedings emanating therefrom against the petitioner Nos.1 to 3.

In the totality of facts and circumstances, FIR No.771/2007 dated 27.10.2007 under Sections 120B/409/420 of Indian Penal Code registered at Police Station Ambedkar Nagar and all the proceedings emanating therefrom against the petitioner Nos.1 to 3 are quashed.

The petition is disposed of.

Dasti.

**August 28, 2008**  
'Dev'

**ANIL KUMAR, J.**