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

Judgment delivered on: 22nd December, 2015

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CRL.M.C. No.3024/2011

ANITA JAIN

..... Petitioner

Represented by: Mr.Manjeet Singh
Ahluwalia, Adv with
petitioner in person.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Represented by: Mr. Ravi Nayak, APP for the
State.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. On the last date of hearing, i.e. 03.09.2015, this Court passed following order:-

"1. Vide the present petition, petitioner seeks direction thereby quashing of summoning order dated 14.12.2010 in Complaint Case No.18/M/11 falling under jurisdiction of PS Bara Hindu Rao for the offence punishable under Section 420 of the IPC and subsequent proceedings arising thereto.

2. It is admitted that under arbitration proceedings two different awards were passed in favour of respondent No.2 and against petitioner herein. Till date, the award amount in both the cases has not been paid by petitioner in favour of respondent No.2.

3. In one of the cases, the total outstanding amount is about Rs.57,85,023/- and in the other Rs.47,47,675/-. Thus, in both the awards the total amount is about Rs.1,05,32,699/-.

4. The petitioner had deposited an amount of Rs.13,90,540/- by way of FDR with maturity value of Rs.18,40,436/- as on 10.02.2012 before the Court of learned Additional District Judge in cases bearing No.M.Nos.29 and 30 of 2011. The said amount has further earned interest and as on date the maturity value is around Rs.24.00 Lac.

5. After intervention by this Court, the petitioner and respondent No.2 have agreed that the petitioner shall pay an amount of Rs.25.00 Lac in addition to above amount, noted above to respondent No.2 for satisfaction of both arbitral awards.

6. Learned counsel for respondent No.2 on instructions, has agreed thereto and submits that if the petitioner does not pay the amount, as per terms fixed by this Court, the concession extended by respondent No.2 towards entitlement of arbitral awards stand revoked and respondent No.2 will be a liberty to seek recovery thereof, as per law.

7. Accordingly, the petitioner has agreed to pay an amount of Rs.25.00 Lac in favour of respondent No.2 in three EMIs. The first installment of Rs.10.00 Lac shall be paid by her within a month from today; next installment of Rs.10.00 Lac shall be paid within a month thereafter; and remainder Rs.5.00 Lac shall be paid within a month thereafter. Thus, the total amount of Rs.25.00 Lac shall be paid by petitioner within three months to respondent No.2.

8. I hereby make it clear that if petitioner fails to adhere to time schedule of payment within three months, the respondent No.2 shall be entitled to seek recovery of arbitral awards against the petitioner, as per law.

9. On receipt of entire agreed amount, the respondent No.2 shall withdraw all the cases against the petitioner.

10.Learned Trial Court is directed to release the FDR amount being deposited by petitioner as mentioned above, in favour of respondent No.2 on taking requisite steps.

11.Since, the FDR is in the name of petitioner, she will move the appropriate application to release the same and after getting encashed the same upto date interest amount shall be deposited by her in the account of respondent No.2. The requisite steps shall be taken and completed by her within two weeks from today.”

2. Pursuant to the aforesaid order, the petitioner has paid an amount of Rs.13,00,000/- by way of pay order on 31.10.2015 and Rs.7,00,000/- on 03.12.2015. The balance amount of Rs.5,00,000/- is being tendered by petitioner by way of demand draft bearing No.576439 dated 21.12.2015 drawn on Punjab and Sind Bank in favour of respondent No.2, who has accepted it without any objection.

3. Moreover, pursuant to afore noted order, the petitioner had taken the steps before learned Trial Court and accordingly learned Trial Court vide order dated 10.12.2015 directed that FDR be released in favour of respondent No.2 Mr.Vijay Kumar Kapur upon completion of formalities by petitioner Anita Jain @ Anita Sharma.

4. Learned counsel for petitioner, on instructions of petitioner who is present in the Court submits that the concerned bank has prepared the demand draft in the name of respondent No.2 and let him collect it from the bank.

5. Undisputedly, offence punishable under Section 420 of the IPC is

compoundable and complaint case is pending with learned Trial Court. The parties can very well approach learned Trial Court for compounding the offence, but they settled the matter during the pendency of this petition under Section 482 of the Cr P C.

6. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 03.09.2015 and undertake to remain bound by the same.

7. In view of the above discussion, considering the settlement arrived at between the parties and the fact that payment of agreed amount has been made by petitioner, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the afore noted criminal complaint in question would be an exercise in futility.

8. Consequently, the summoning order dated 14.12.2010 in Complaint Case No.18/M/11 under jurisdiction of PS Bara Hindu Rao filed under Section 420 of the IPC against the petitioner and all proceedings emanating therefrom, are hereby quashed.

9. I hereby make it clear that all the disputes regarding the payment and parties in question are settled.

10. Accordingly, the present petition is allowed with no order as to cost.

11. Order *dasti*.

Crl.M.A.Nos.10688/2011, 15330/2013, and 18658/2014

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

DECEMBER 22, 2015
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