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

Judgment delivered on: 02nd March, 2016

+ **CRL.M.C. No.1498/2013 & CrI.M.A.No.4712/2013 (Stay)**

LALIT MOHAN MADHAN & ORS.

..... Petitioners

Represented by: Mr.Sanjeev Narula &
Ms.Meha Rashmi, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Represented by: Mr.Satya Narain
Vashisht, APP for the
State/R1.
Mr.R.S.Kumar, Mr.Arnab
Bhattacharya & Mr.J.K.
Goyal, Advs for R2.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

1. Vide the present petition under Section 482 of the Cr P C, petitioners seek direction thereby quashing the summoning order dated 15.01.2013 passed in Criminal Complaint No.182/2/2010 and/ or 196/01/13 and the proceedings emanating therefrom passed by learned Metropolitan Magistrate Saket Courts, under Sections 467/471 of the IPC, which is presently pending for trial before learned Metropolitan Magistrate, Patiala House Courts, New Delhi.

2. It is not in dispute that the petitioners and respondent No.2 entered into a memorandum of settlement dated 14.07.2014 whereby it was settled as under:-

“5. Out of the aforesaid amount of Rs.9,00,00,000.00 (Rupees Nine Crore only) an amount of Rs.5,00,000.00 (Rupees Five Lakh only) already stands paid by the first party to the second party. The balance amount of Rs.8,95,00,000.00 (Rupees Eight Crore Ninety Five Lakh only) shall be paid in the manner stated hereinafter.

9.Both the parties undertake to withdraw all cases within two weeks from the date of signing of this Settlement Agreement, pending against each other as per details given below:-

(i) Eviction Petition being RC No.E-36 of 2011, filed under Section 14 (1)(e) of the Delhi Rent Control Act, titled as “M/s.Glory Promoters Pvt Ltd vs Sh. P.C. Srivastava, pending in the Court of Ms.Surya Malik Grover, Learned ACJ/Rent Controller, South, Saket District Court, New Delhi.

(ii)Eviction Petition No.E-123/11, filed under Section 14 (1) (f) and (g) of the Delhi Rent Control Act, titled as “M/s.Glory Promoters Pvt Ltd vs Sh. P.C. Srivastava, pending in the Court of Ms.Surya Malik Grover, Learned ACJ/Rent Controller, South, Saket District Court, New Delhi.

(iii)Criminal Complaint No.234/1 under Section 200 Cr P C, titled as “Lalit Mohan Madhan v Sh P C Srivastava, pending in the Court of Sh.Pawan Kumar, learned Metropolitan Magistrate, District Court Saket, New Delhi.

(iv) C.S.(OS) No.2952 of 2011; in the matter of Lalit Mohan Madhan v P C Srivastava, pending before the Hon’ble High Court of Delhi at New Delhi.

(v)Criminal Complaint Case No.196/1/2013; in the matter of Prakash Chandra Srivastava versus M/s Glory Promters Pvt Ltd & Ors, pending in the Court of Sh. Akash Jain, MM, Patiala House Courts, New Delhi.

(vi)All complaints made by the third party against the first and second parties before Police, office of the Prime Minister, Office of the President of India and other such public authorities.

13.Both the parties further undertakes to sign all such documents, affidavits, pleadings, as may be necessary to give effect to the withdrawal of the pending cases/complaints against each other, as mentioned in paras 9 & 10 above. It is further agreed that if so required, the Parties agree to appear before the concerned court (s) and make statements for withdrawal of the suit/complaint filed against each other in terms of the present Settlement Agreement. ”

3. To this effect, joint statement of petitioner and respondent No.2 was recorded by learned SCJ-RC(South) Saket Courts, New Delhi on 16.07.2014. Moreover, the petitioners have paid total amount to respondent No.2 as narrated in the order dated 05.05.2015 passed by this Court in Contempt Case (C)No. 732/2014.

4. In view of above facts and the settlement arrived at between the parties, the summoning order dated 15.01.2013 for the offences punishable under Sections 467/471 of the IPC and all proceedings emanating therefrom, are hereby quashed qua the petitioners.

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

Crl.M.A.No.4712/2013 (Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

MARCH 02, 2016
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