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

+ CRL.M.C. 4719/2016 & CrI.M.A. 19643/2016 (stay)

VIVEK GUPTA

..... Petitioner

Represented by: Mr. Ajay Digpaul, Adv.

versus

VINAY GUPTA & ANR.

..... Respondent

Represented by: Ms. Devika Bhagat for Dr.
Sarbjit Sharma, Adv. for R-1.
Ms. Rajni Gupta, APP for
State/ R-2 with SI Dev Kumar
PS Paschim Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.12.2016

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A complaint was filed by D.N. Gupta against his elder son Vivek Gupta under Section 406/415/420/467/468/471 read with Section 120-B IPC titled as D.N.Gupta Vs. Vivek Gupta being Criminal Complaint Case No.7470/2011 now pending before the Court of Mr. Lovleen, ACMM, Patiala House Courts. In the said complaint the petitioner Vivek Gupta was summoned as an accused.

The allegations against the petitioner Vivek Gupta in the above-noted complaint were that despite being a Director of the companies with his father and brother he established other proprietorship firms and started

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transferring the business of company to his own firms and that he furnished false information to the Registrar of Companies, even though no meeting of the Directors took place at the relevant time. Further without the consent of other Directors and without holding any meeting, Vivek Gupta allotted shares to himself fraudulently which were in the name of other Directors of the company namely Vinay Gupta and his wife Richa Gupta. D.N. Gupta passed away on 4th November, 2014 where after Vinay Gupta, his younger son was substituted as a complainant. During the pendency of the complaint the parties have entered into a settlement before the Delhi High Court Mediation and Conciliation Centre on 11th November, 2016.

As per the settlement arrived at between the parties i.e. Vinay Gupta his wife Richa Gupta and sister Nandani Bansal on one side and Vivek Gupta and Anita Gupta on the other side, both the parties have agreed to withdraw their respective litigations between each other and as part of the settlement thus Vinay Gupta seeks leave to withdraw complaint case No. 7470/2011 as noted above.

Vivek Gupta and his wife Anita Gupta are present in Court and are identified by the learned counsel. They affirm the settlement agreement entered into between the parties on 11th November, 2016 before the Delhi High Court Mediation and Conciliation Centre copy whereof is filed as Annexure P-2 to the present petition at pages 30 to 37 and state that they will abide by the terms of settlement.

Vinay Gupta, his wife Richa Gupta, sisters of the petitioner and respondent No.1 i.e. Nandani Bansal and Poonam Agarwal are present in Court and are identified by the learned counsel for the respondent No.1.

They also state that they will abide by the settlement agreement arrived at between the parties on 11th November, 2016 before the Delhi High Court Mediation and Conciliation Centre. Mr. Vinay Gupta, the complainant in the above-noted case seeks leave to withdraw the complaint case.

Since parties have settled the matter comprehensively, no useful purpose would be served in continuing with the trial in Complaint Case No.7470/2011 earlier titled as D.N. Gupta Vs. Vivek Gupta, now titled as Vinay Gupta Vs. Vivek Gupta pending in the Court of Mr. Lovleen, learned ACMM, Patiala House Court.

Consequently Complaint Case No. 7470/2011 and the proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 22, 2016
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