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

\+ CRL.M.C. 488/2017

VINOD GUPTA & ORS ..... Petitioner

Represented by: Ms. Rebecca M. John, Sr. Adv. with Mr. B.B. Gupta and Mr. Aman Nandrajog, Advs.

versus

STATE (NCT OF DELHI) & ORS ..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP with SI Ichha Ram, PS Tilak Marg and SI Sunder Singh, PS B.H.D. Nagar.
Mr. Sanjeev Sagar with Mr. Naveen Arora, Advs. for R-2 with R-2.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% 02.03.2017

By the present petition, the Petitioners seek quashing of FIR No. 1/2013 under Sections 193/468/471/201/473/476/34 IPC registered at PS Tilak Marg on the complaint of Respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned Additional Public Prosecutor for the State on instructions states that in the above noted FIR the three petitioners are the only accused and respondent No.2 the only complainant/victim.

The above noted FIR was registered on the complaint of respondent No.2 pursuant to a dispute between the parties relating to an agreement dated 27th October, 2010. On the application filed under Section 9 of the

Arbitration and Conciliation Act being OMP No.897/2012, respondent No.2 pointed out to this Court that the documents relied by the petitioners during the course of proceedings were forged and fabricated. No cognizance on the said averment of respondent No.2 was taken by this Court however on a private complaint filed later on by respondent No.2, the above noted FIR was registered and investigation carried on. In OMP No.897/2012 this Court vide order dated 3rd December, 2012 appointed a retired Judge of this Court as an Arbitrator whereafter the matter has been settled between the parties vide settlement agreement dated 9th December, 2016 copy of which is placed on record as Annexure-C at pages 61 to 71 of the paper book.

Respondent No.2 who is present in Court and identified by the learned counsel states that a comprehensive settlement has been arrived at between the parties and this Court in OMP No.897/2012 itself observed that the license of respondent No.2 having been terminated, he would be liable for damages. In terms of settlement, respondent No.2 is entitled to receive a total sum of ₹50 lakhs out of which ₹10 lakhs has already been received and remaining amount of ₹40 lakhs has been received by him today through a bank draft No.011040 dated 1st March, 2017 drawn on Axis Bank, Jhandewalan Extn., New Delhi. Respondent No.2 further states that he does not wish to pursue the various proceedings launched by him including the above noted FIR and the complaint filed by him before the Institute of Chartered Accountants of India and will abide by the terms of settlement. He states that he has now no claim whatsoever against the petitioners and does not wish to pursue the above noted FIR and the proceedings pursuant thereto. Respondent No.2 further states that he will

abide by the terms of settlement arrived at between the parties.

The petitioners, who are present in Court and identified by learned counsel, affirm the statement of respondent No.2 and state that they will abide by the terms of settlement.

Since the parties have entered into a comprehensive settlement and the above noted FIR was registered not on the complaint of this Court but of the private complaint of respondent No.2, no useful purpose will be served in continuing with the above noted FIR and the proceedings pursuant thereto. There being no legal impediment in quashing the FIR in question, this Court deems it fit to quash the above noted FIR and the proceedings pursuant thereto.

Consequently, FIR No. 1/2013 under Sections 193/468/471/ 201/473/476/34 IPC registered at PS Tilak Marg, New Delhi and proceedings pursuant thereto are hereby quashed.

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

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 02, 2017
'v mittal'