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

+ **CRL.M.C. 2564/2008 and Crl. M.A. NO. 19940/2016**

BRITANNIA INDUSTRIES LTD

..... Petitioner

Represented by: Mr. Arvind K. Nigam, Sr.
Advocate with Mr. R.
Jawaharlal, Mr. Siddharth
Bawa, Mr. Shyamal Anand and
Mr. Mikhil Sharda, Advocates
with Mr. Rajesh Arora,
Authorised Representative in
person.

versus

SATISH KUMAR GARCHA & ORS

..... Respondents

Represented by: Mr. Jasmeet Singh and Mr.
Saurabh Tiwari, Advocates
with respondent Nos. 1 and 2 in
person.

+ **CRL.M.C. 1976/2013 and Crl. M.A. No. 19943/2016**

A K HIRJEE & ORS

..... Petitioners

Represented by: Mr. Arvind K. Nigam, Sr.
Advocate with Mr. R.
Jawaharlal, Mr. Siddharth
Bawa, Mr. Shyamal Anand and
Mr. Mikhil Sharda, Advocates
with Mr. Rajesh Arora,
Authorised Representative in
person.

versus

SATISH KUMAR GARCHA & ORS

..... Respondents

Represented by: Mr. Jasmeet Singh and Mr.
Saurabh Tiwari,

CRL.M.C. 2564/2008 & 1976/2013

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Advocates with respondent
Nos. 1 and 2 in person.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
03.03.2017

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1. A complaint was filed by four complainants, that is, Satish Kumar Garcha, O.P. Khanna, Govind Sharma and Prem Khanna against 17 accused which included the trustees of M/s Britannia Industries Limited Officers Pension Fund, Trustees of Britannia Industries Co. Ltd. Covenanted Staff Pension Fund, Britannia Industries and the Chairman and the Directors of Britannia Industries Ltd. After the complainant's evidence was recorded in the complaint summons to all the 17 accused were issued for offence punishable under Section 405 IPC vide order dated 31st January, 2008 by the learned Metropolitan Magistrate. Thus in Crl. M.C. No. 2564/2008 Britannia Industries Ltd. and in Crl. M. C. No. 1976/2013 eight accused sought quashing of the Complaint Case No. 946/1 renumbered as 622231/2016 and now pending before the learned Metropolitan Magistrate, Saket Courts and summoning order.

2. During the pendency of the present proceedings complainant Prem Khanna passed away which fact is noted in the order dated 10th December, 2008 and his legal heirs have not been substituted. Thus the complaint survives qua the remaining three complainants, that is, Satish Kumar Garcha, O.P. Khanna and Govind Sharma.

3. Though by these two petitions the petitioners sought quashing of the complaint and the summoning order on merits, however, during the pendency of the present petitions the parties have settled the matter. The Memorandum of Settlement under Section 89 of Code of Civil Procedure entered into before the Bangalore Mediation Centre at Bangalore is filed as Annexure-A1 at pages 10 to 80 of Crl. M.A. No. 19940/2016 in Crl. M.C. No. 2564/2008.

4. As per the terms of settlement the parties agreed to withdraw the above noted complaint against all the accused as well. Pursuant to the settlement, a judgment was delivered by the learned Single Judge of the High Court of Karnataka at Bangalore passing a decree in favour of the complainant and others.

5. Respondent Nos. 1 and 2/complainants in the above noted complaint, that is, Satish Kumar Garcha and O.P. Khanna are present in Court and are identified by the learned counsel. Govind Sharma, the third surviving complainant is not present in Court but has authorised Satish Kumar Garcha vide Attorney dated 22nd December, 2016 to make a statement in respect of settlement on his behalf. Satish Kumar Garcha and O.P. Khanna state that a comprehensive settlement has been arrived at between the parties by virtue of that all civil and criminal disputes inter-se the parties have been settled and the complainants in the above noted complaint do not wish to pursue the Complaint Case No. 946/1 renumbered as 622231/2016 pending before the learned Metropolitan Magistrate, Saket Courts and the proceedings pursuant thereto.

6. The petitioner Britannia Industries Ltd. in Crl. M.C. No. 2564/2008 is

CRL.M.C. 2564/2008 & 1976/2013

represented by Rajesh Arora in whose favour a Power of Attorney has been executed. Further Rajesh Arora has also been authorised to settle the matter on behalf of all the petitioners in Crl. M.C. No. 1976/2013. Special Power of Attorneys in favour of Rajesh Arora have been placed on record in Crl. M.C. No. 1976/2013.

7. Rajesh Arora who is present in Court and is identified by the learned counsel submits that since a comprehensive settlement has been arrived at between the parties and the petitioners in both the petitions will abide by the terms of the settlement arrived at between the parties, the Complaint Case No. 946/1 renumbered as 622231/2016 pending before the learned Metropolitan Magistrate, Saket Courts and the proceedings pursuant thereto be quashed.

8. Since a comprehensive settlement has been arrived at between the parties and though accused S. Ramesh Shankar, Emmanuel Faber, Simon Israel, John Martin Miller and Francois Xavier Roger have not filed any petition since now they are not in India and no more concerned with the affairs of the two trusts and the Britannia Industries Ltd., Mr. Satish Kumar Garcha and Mr. O.P. Khanna on their behalf and also on behalf of Shri Govind Sharma state that they do not wish to pursue the above noted complaint case and the proceedings pursuant thereto even against these accused.

9. Consequently, Complaint Case No. 946/1 renumbered as 622231/2016 now pending before the learned Metropolitan Magistrate, Saket Courts and the proceedings pursuant thereto are quashed.

10. Mr. Satish Kumar Garcha, Mr. O.P. Khanna and Mr. Rajesh Arora have signed the order sheet in acknowledgement of their statements made before this Court.

11. Petition and applications are disposed of.

12. Order dasti.

Mukta Gupta
MUKTA GUPTA, J,

MARCH 03, 2017
'vn'

P-1 *Rajesh Arora*
Rajesh Arora SPA
Holder for all petitioners

Identified by
Siddharth Bawa
Adv D/289-G/2004
SIDDHARTH BAWA
Counsel for Petitioner

R-1 & 3 *Kumar*
R-2 *Ochanna*

Identified by
Jasmeet Singh
(Adv.)
D617/92