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

+ W.P.(CRL) 703/2017

SURANJAN DE & ANR.

..... Petitioners

Through: Mr. Anupam Dwivedi, Advocate along with petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Nandita Rao, ASC for the State with SI Ravi Shankar Tyagi, PS Saket, Delhi.

Mr. Harvir Singh Taneja, Advocate along with Mr. Danie Robert, AR of the respondent no. 2/company.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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27.07.2017

1. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No. 441/2016, registered on 30.05.2016 with PS Saket, Delhi, under Section 408 IPC.
2. It is submitted that the petitioner no.1 was working as Chief Executive Officer with the respondent no. 2 company/complainant w.e.f. 14.06.2013, whereas the petitioner no. 2 was Deputy General Manager (Operations) w.e.f. 02.02.2015. The petitioner no. 1 is stated to have resigned from the respondent no. 2 company on 04.08.2015, whereas the services of the petitioner no. 2 were

terminated by the respondent no. 2 vide termination letter dated 29.01.2016. The petitioner no. 1 was provided one Car, I-Pad, Laptop and some other movables by the respondent no. 2 because of his working as Chief Executive Officer with the respondent no. 2. The petitioner no. 2 was to pay Rs.5,00,000/- to the respondent no. 2. As the petitioner no. 1 did not return movable assets to the respondent no.2 company/complainant and the petitioner no. 2 did not pay the outstanding amount, the said FIR was registered on the complaint of the respondent no. 2

3. There were certain litigations at the instance of the petitioners as also on behalf of the respondent no. 2 against each other.
4. The matter was referred to the Mediation Centre, Saket Courts, Delhi between the petitioner no. 1 and the respondent no. 2, which was amicably resolved before the learned Mediator on 15.11.2016. As per this mediation settlement both the parties had agreed to withdraw all their respective litigation/counter claim. The respondent no. 2 had agreed to pay Rs.5,00,000/- to the petitioner no. 1 in full and final settlement of his claim. The petitioner no. 1 has also agreed to return all the movable assets to the respondent no. 2 company.
5. The matter between the petitioner no. 2 and the respondent no.2 was also referred to the Mediation Centre, Saket Court, New Delhi. They also settled their all disputes on 07.01.2017. As per this mediation settlement, the respondent no. 2 had agreed to pay a total sum of Rs.3,00,000/- to the petitioner no. 2 in full and final settlement of his claim. They had also agreed to withdraw all the litigations pending between them.

6. Both the petitioners and the respondent no. 2 had also agreed that on filing of the quashing petition under Section 482 of the Cr.PC, the respondent no.2 will have no objection for quashing of the FIR.
7. The Chief Executive Officer of the respondent no. 2 through counsel submits that they have received back all their movables from the petitioner no. 1. He also submits that no dues are now pending against the petitioner no. 2. He further submits that pursuant to the mediation settlement they had paid a sum of Rs.5,00,000/- to the petitioner no. 1 and a sum of Rs.3,00,000/- to the petitioner no. 2. Both the petitioners present in the court through their counsel submit that they had received their respective settlement amount from the respondent no. 2.
8. It is also submitted that the petitioner no. 2 had withdrawn his complaint case bearing CC No. 185/1/2016 from the court of Sh. Rajinder Singh, Ld.MM, Dwarka Court, Delhi on 13.01.2017. He further submits that the petitioner no. 1 had withdrawn his civil suit being CS 8248/2016 from the court of Dr. Ajay Gulati, ADJ, Saket Courts, Delhi on 17.12.2016. He further submits that the complaint case no. 463879/2016 filed by the petitioner no. 1 against the respondent no. 2 company had been withdrawn from the court of learned ACMM, Saket, Delhi on 24.10.2016. It is submitted by the learned counsel for the respondent no. 2 that they have withdrawn their counter claim vide CS No. 9146/2016 filed against the petitioner no. 1 from the court of learned ADJ, Saket Court, Delhi on 17.12.2016. Learned counsel for petitioner No.2 submits that petitioner No. 2 had also withdrawn his civil suit no. 8775/2016

against the respondent no. 2 from the court of Ld. ADJ, Saket Court, Delhi on 08.02.2017.

9. It is submitted by both the petitioners present in person and Chief Executive Officers of the respondent no. 2 company through their respective counsels that nothing is due and recoverable by them against each other. The petitioners and the Chief Executive Officer of the respondent no. 2 submit that they had willingly settled the matter without any force or coercion. The CEO of respondent No.2 submits that they do not want to pursue the FIR. He submits that FIR may be quashed.
10. In these circumstances, when the matter has been amicably settled between the parties and no purpose would be served in further pursuing with the FIR bearing No. 441/2016, registered on 30.05.2016 with PS Saket, Delhi, under Section 408 IPC. Hence, to secure ends of justice, the FIR bearing No. 441/2016, registered on 30.05.2016 with PS Saket, Delhi, under Section 408 IPC and proceedings arising out of the same are hereby quashed.
11. The petition is disposed of.

VINOD GOEL, J.

JULY 27, 2017
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