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

+ W.P.(CRL) 1211/2016

BHANU PRATAP SINGH & ORS.

..... Petitioner
Through: Mr. Shivam Singh and Mr. Vikram
Singh Chauhan, Adv.

versus

STATE & ANR.

..... Respondent
Through: Mr. Rajesh Mahajan, ASC with Mr.
Peeyush Bhatia, Adv for State with SI
Kamal Kumar and & SI Manoj
Kumar
Mr. Rajeev Chauhan, Adv for Sistema
Shyam Teleservices Ltd.
Mr. Rishikant Mishra, Adv for
Adecco India Pvt. Ltd.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
22.02.2017

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The petitioners have filed the present writ petition to seek the quashing of FIR 322/2011 under Section 419/420/468/471/34 IPC registered at PS Okhla Industrial Area and the proceedings arising therefrom. Petitioner nos.1 to 4 are the victims and petitioner nos.5 to 8 are the accused in the said case. The complainant in respect of the said FIR are M/s Sistema Shyam Teleservices Ltd. and Adecco India Pvt. Ltd. As per the allegations

in the said FIR, petitioner nos.5 to 8 defrauded petitioner nos.1 to 4 by promising them employment in the complainant company and on that premise collected monies from them. The complainant claims that the accused have no authority to hold out on their behalf that they could grant employment in the complainant company.

The petition is premised on a settlement arrived at between the accused, the victims and the complainant company. The complainant has placed on record the general power of attorney dated 28.09.2015 executed by the complainant company in favour of Mr. Sergey Savchenko, the whole time director of the said company designated as Chief Executive Officer as well as the special power of attorney executed by the said Mr. Savchenko in favour of Ms. Neera Sharma, the Chief Legal Officer of the said company. By the said special power of attorney, she has been authorised, inter alia, to act on behalf of the company for the purpose of quashing of the FIR in question.

Learned counsel Mr. Mishra appearing on behalf of Mr. Umesh Gulati, for the complainant Adecco India Pvt. Ltd. has tendered in court the authority letter issued in favour of Sh. Lala Ram by Sh. Dinesh Sharma, Regional Manager (Compliance) of the said company, authorising him to appear before the court and make a statement for compromise of the dispute between the parties in the present case so that the FIR and the proceedings could be quashed. The said communication is taken on record.

Looking to the fact that the victims, the complainant and the accused have all arrived at a settlement, the FIR and the proceedings arising therefrom could be quashed. However, the alleged offence discloses a serious case of alleged fraudulent conduct of the accused to defraud the

innocent public.

Counsel for the accused submits that to atone for their conduct, the accused are ready and willing to deposit such costs as this court may deem appropriate.

Since the accused are willing to show their bonafides and atone for their conduct, the FIR and the proceedings arising therefrom are quashed subject to petitioner nos.5 to 8 depositing Rs.40,000/- each with the Prime Minister's National Relief Fund within two months. The proof of payment be provided to the I.O. and whereafter the case shall be closed.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

FEBRUARY 22, 2017

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