

S-71

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + CRL.M.C. 2607/2015 and Crl.M.A. No. 9298/2015
MICROMAX INFORMATICS LTD Petitioner
 Through: Ms.Snigdha Sharma, Advocate
 versus
M/S FUSION TELELINKS & ANR Respondents
 Through: Mr.Jagdish Vatsa, Advocate for R-1
 and 2

CORAM:**HON'BLE MS. JUSTICE ANU MALHOTRA****ORDER**

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18.12.2017**Crl.M.A.20885/2017 and Crl. M.A. No. 20886/2017**

The matter is indicated to be listed on 22nd January, 2018 and taken up on Crl. M.A. Nos 20885/2017 and 20886/2017.

Vide the present applications, it has been submitted on behalf of the petitioner that in view of the settlement arrived at between the parties dated 25.10.2017, a copy of which is on the record, in terms of clause 3 B thereof, the petitioner seeks to withdraw the present petition. It has been submitted by Ms.Snigdha, learned counsel for the petitioner and Mr.Jagdish Vatsa learned counsel for the respondents No. 1 and 2 that despite Clause 3B in the said settlement agreement dated 12.10.2015 annexed to the petition reading to the effect:

3. The parties herein further disclosed to each other that following matters are filed by Parties against each other are pending adjudication in different Courts of India:-

a. Criminal complaint u/s 138 of Negotiable Instrument Act 1881 before Ld.metropolitan Magistrate, Tis hazari Court, Delhi titled as

"Micromax Informatices Limited vs. M/s . Fusion Telelinks and M/s . 3 Tech" and is fixed for the next hearing on Feb 5, 2018.

b. A criminal miscellaneous case (main) filed by Micromax Informatics Ltd. before the Hon'ble Delhi High Court and is fixed for the next hearing on Jan, 23, 2018.

c. Criminal complaint u/s 406, 420 and 465 read with Sections 120B and 34 of Indian Penal Code before Judicial Magistrate First Class, Khadki, Pune titled as "Mrs.Manju Kanhaiya Choudhary and Anr. Vs. Micromax Informatics Limited, Mr. Rajesh Aggarwal, Mr. Rahul Sharma, Mr. Vikas Jain and Mr. Deepak Dahiya and is fixed for the next hearing on Oct, 30, 2017 (10.1.18).",

the said Criminal Miscellaneous Case (Main) is the present petition Crl.M.C. 2067/2015 and though the next date of hearing mentioned therein is 23.1.2018 in the present petition vide order dated 25.7.2017 the next date of hearing is 22.1.2018, clause 3B of the said settlement agreement dated 25.10.2017 however relates to the present petition Crl.M.C. No. 2607/2015.

It is submitted on behalf of either side that they remain bound by the said settlement dated 25.10.2017 and would withdraw the proceedings *inter se* as detailed therein.

In view of the said submissions made in Crl.M.A. No.20885/2017, the Crl.M.C. No.2607/2015 is dismissed as withdrawn, as prayed and the date 22.1.2018 stands cancelled.

The trial court record be returned.


ANU MALHOTRA, J

DECEMBER 18, 2017/sv