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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4681/2017**

RAMAN GUPTA & ANR Petitioners
Through: **Mr.D.P.Singh, Advocate**

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents
Through: **Mr.Hirein Sharma, APP for State with**
Inspector Bhagwan Singh, PS EOW
Mr.Ajay Kumar Tyagi, Advocate for
R-2 with Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **16.11.2017**

Vide the present petition, the petitioner seeks quashing of the FIR No. 95/17 under Sections 406/420/120B of the IPC, 1860 Police Station Economic Offences Wing, submitting *inter alia* to the effect that a settlement has been arrived at between the parties vide a Memorandum of Understanding dated 7.11.2017 Ex.CW-2/A.

As per the settlement that has been made on 7.11.2017, a demand draft for a sum of Rs.3 crores in terms of Clause 5 sub-clause 2 of the Memorandum of Understanding dated 7.11.2017 was sought to be handed over to the respondent No.2 and vide direction dated 14.11.2017 the State was directed to conduct a verification of the issuance of the said demand draft.

Inspector Bhagwan Singh, Police Station EOW, has submitted

a verification report verifying the issuance of the said demand draft for a sum of Rs.3 crores in favour of “Made Easy Education Private Limited”, the photocopy of which has been taken on record as Ex.CW-2/B. The said report has been duly forwarded by the learned APP for the State. The Investigating Officer Bhagwan Singh has identified both the petitioners arrayed as accused in FIR No.95/17 and also the complainant, i.e., the respondent No.2 Sh.Arvind Singh, s/o Sh.Sabha Singh, of the said FIR.

The statements of both, the petitioners and the statement of the respondent No.2 in relation to the Memorandum of Understanding dated 7.11.2017, original of which has been produced before the Court, and the photocopy of the same is on the record as Ex.CW-2/A has been recorded. Both the petitioners and the respondent No.2 undertake to remain bound by the terms of the Memorandum of Understanding pursuant to which the respondent No.2 has also handed over a Cheque bearing No.000021 for a sum of Rs.3 crores, drawn on the Kotak Mahindra Bank in favour of “Made Easy Education Private Limited” to the petitioner No.1, the photocopy of which is taken on record as Ex.CW-2/C. It has been submitted by the respondent No.2 that he does not in the circumstances oppose the prayer made by the petitioners seeking quashing of the FIR.

In view of the statements that have been made by the respondent No.2, duly identified by the Investigating Officer and verification of the demand draft Ex.CW-2/B handed over by the petitioners to the respondent No.2 today in Court, it is apparent that no useful purpose would served by continuing the proceedings in

relation to the FIR No. 95/17 No. 95/17 under Sections 406/420/120B of the IPC, 1860 Police Station Economic Offences Wing and all consequential proceedings emanating therefrom. Thus the said FIR and all the consequential proceedings emanating therefrom are quashed.

The petition is disposed of accordingly.

A copy of order be given *dasti*, as prayed.

ANU MALHOTRA, J

NOVEMBER 16, 2017

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IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 46

CrI. M.C. 4681/2017

RAMAN GUPTA & ANR. Vs. STATE & ANR.

16.11.2017

**CW-4 Statement of SH. SHREY GUPTA, S/O SH. RAMAN GUPTA,
AGED 28 YEARS, R/O F-73, PREET VIHAR, DELHI.**

On S.A.

I have brought my original Aadhar Card bearing No.212851096669, the photocopy of which is Ex.CW-4/A (original seen & returned).

I am the director of the company, namely, M/s Valores Trade House Private Limited and Mr.Raman Gupta is the Authorized Representative of this company. Mr.Raman Gupta has entered into a Memorandum of Understanding dated 7.11.2017 with the respondent No.2 Mr.Arvind Singh, photocopy of which is Ex.CW-2/A on the record.

As director of M/s Valores Trade House Private Limited, I undertake to abide by the terms of the said Memorandum of Understanding dated 7.11.2017, Ex.CW-2/A.

**RO & AC
16.11.2017**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 46

Crl. M.C. 4681/2017

RAMAN GUPTA & ANR. Vs. STATE & ANR.

16.11.2017

CW-3 Statement of SH.RAMAN GUPTA, S/O SH.B.L.GUPTA AGED 58 YEARS R/O F-73, PREET VIHAR, DELHI.

On S.A.

I have brought my original Aadhar Card bearing No.254025269052, the photocopy of which is Ex.CW-3/A (original seen & returned).

I have signed the original Memorandum of Understanding dated 7.11.2017 the photocopy of which is Ex.CW-2/A and bears my signatures thereon on each page at points 'B' voluntarily own accord without any duress, coercion or pressure from any quarter in view of the settlement arrived at between the petitioner i.e. me and the petitioner No.2 Shrey Gupta and the respondent No.2 in relation to FIR No.95/17, Police Station Economic Offences Wing.

Pursuant to the said settlement EX.CW-2/A dated 7.11.2017, I have already paid a sum of Rs.50,00,000/- vide a cheque No.000021 dated 27.10.2017 to the respondent No.2. I have also handed over a Demand Draft dated 3.11.2017 for a sum of Rs.3 crores drawn on Yes Bank bearing No.339731, photocopy of which is Ex.CW2/B to the respondent No.2 Sh. Arvind Singh today in Court.

Pursuant to the said settlement Ex.CW2/A, I have also received back a cheque bearing No.000023 dated 28.11.2017 for a sum of Rs.3 crores in the name of 'Made Easy Education Private Limited' from the respondent No.2 today in Court, photocopy of which is Ex.CW-2/C. I undertake to abide by the terms of the settlement Ex.CW-2/A which I have signed

voluntarily of my own accord without any duress, coercion or pressure from any quarter.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
16.11.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 46

Crl. M.C. 4681/2017

RAMAN GUPTA & ANR. Vs. STATE & ANR.

16.11.2017

CW-2 Statement of SH.ARVIND SINGH S/O SH. SABHA SINGH, AGED 38 YEARS R/O KHASARA NO.105, FREEDOM FIGHTER ENCLAVE, NEW DELHI, AS ALSO THE R/O 44A/1 KALU SARAI, NEW DELHI.

On S.A.

I have brought my original Election card bearing No.YR10098871, the photocopy of which is on the record (original seen & returned).

I have signed the original Memorandum of Understanding dated 7.11.2017 the photocopy of which is Ex.CW-2/A and bears my signatures thereon on each page at points 'A'.

Pursuant to the said settlement EX.CW-2/A dated 7.11.2017, I have received from the petitioner No.1 Mr.Raman Gupta, today in Court a Demand Draft dated 3.11.2017 for a sum of Rs.3 crores drawn on Yes Bank bearing No.339731, photocopy of which is Ex.CW2/B. I have already previously received a sum of Rs.50,00,000/- vide a cheque No.000021 dated 27.10.2017.

Pursuant to the said settlement Ex.CW2/A, I have handed over a cheque bearing No.000023 dated 28.11.2017 for a sum of Rs.3 crores in the name of 'Made Easy Education Private Limited', a photocopy of which is Ex.CW-2/C to the petitioner No.1 Mr.Raman Gupta, present in the Court today. I undertake to abide by the terms of the settlement Ex.CW-2/A which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter. I do not oppose the prayer made by the

petitioners seeking quashing of the FIR No.95/2017, under Section 406/420/120B, Indian Penal Code, 1860, Police Station Economic Offences Wing in the circumstances and in view of the settlement EX.CW-2/A .

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
16.11.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 46

CrI. M.C. 4681/2017

RAMAN GUPTA & ANR. Vs. STATE & ANR.

16.11.2017

**CW-1 STATEMENT OF INSPECTOR BHAGWAN SINGH, POLICE
STATION EOW, NEW DELHI.**

On S.A.

I identify both the petitioners, Petitioner No.1 Raman Gupta and petitioner No.2 Shrey Gupta arrayed as accused in FIR No.95/2017, under Section 406/420/120B, Indian Penal Code, 1860, Police Station Economic Offences Wing. I also identify the respondent No.2, i.e., the complainant of the said FIR. Apart from the petitioners No.1 and 2 there is no other person arrayed as accused in the said FIR.

RO & AC

16.11.2017

ANU MALHOTRA, J