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

+ **CRL.M.C. 4562/2017**

SANJIV BHAKT

..... Petitioner

Through: Mr. S.K. Dubey and Mr. Rajmangal
Kumar, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. G.M. Farooqui, APP for State.
Mr. Vidit Gupta and Mr. Prakash
Pandey, Advs. for R-2.

AND

CRL.M.C. 643/2018

YOGESH SHARMA

..... Petitioner

Through: Mr. S.K. Dubey and Mr. Rajmangal
Kumar, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. G.M. Farooqui, APP for State
with SI Arvind, EOW.
Mr. Vidit Gupta and Mr. Prakash
Pandey, Advs. for R-2 along with Mr.
Vijay Garg, Partner of R-2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.02.2018

By this petition under Section 482 of the Code of Criminal Procedure,
1973, petitioners have prayed for setting aside of summoning order dated
16th May, 2005 passed by the Metropolitan Magistrate, Delhi as also the
entire proceedings arising out of FIR No.451/2003 under Sections 120-

Signature Not Verified

Digitally Signed By: A. MULYA
Certify that the digital file and
physical file have been compared the
digital data is as per the physical file

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B/406/420/467/471 IPC registered at police station Malviya Nagar on the complaint of Mr. Vijay Garg, partner of M/s Puja & Company in respect of the commercial transactions between the M/s Puja & Company and M/s Tri-X Security Pvt. Ltd. Petitions are directors of M/s Tri-X Security Pvt. Ltd. Another director, namely, Ashok Chaudhary was also an accused in the FIR besides the petitioners. He was also summoned by the summoning order dated 16th May, 2005. Ashok Chaudhary preferred Crl. M.C. 3173/2005 titled Ashok Chaudhry vs. State (GNCT of Delhi) and Ors. in this Court which has been disposed of vide judgment dated 29th March, 2016 whereby summoning order and the consequent proceedings emanating therefrom were quashed qua him, for the reasons recorded in the judgment (Annexure P-2). Mr. Vijay Garg filed a Special Leave Petition No. (Crl.) 14371/2016 which was dismissed by the Supreme Court vide order dated 9th September, 2016.

During the pendency of the present petition, a compromise has been arrived at between M/s Tri-X and respondent no.2 on 7th December, 2017 vide settlement deed Annexure P-2 to the Crl. M.C. 643/2018, whereby Civil as well as Criminal matters regarding the present transactions have been settled. A joint application under Order 23 Rule 3 CPC was filed in the

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court of Additional District Judge, Saket Court, New Delhi and the same has been disposed of vide order dated 7th December, 2017 by accepting the Settlement Deed.

Mr. Vijay Garg is present in Court along with his counsel and has been identified by SI Arvind of Economic Offences Wing. Mr. Vijay Garg submits that matter has indeed been settled between the petitioner and M/s Puja & Company voluntarily. He further states that he is partner of M/s Puja & Company and has signed the Settlement Deed. Affidavit of Mr. Vijay Garg is also on record. Petitioner has paid ₹3.30 lacs through a demand draft favouring M/s Puja & Company to respondent no.2, a photocopy whereof has been placed on record. Mr. Vijay Garg submits that M/s Puja & Company has no objection in case the FIR is quashed.

Keeping in view the settlement arrived at between M/s Tri-X Security Pvt. Ltd. and M/s Puja & Company voluntarily, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Both the petitions as well as pending applications are disposed of.

Dasti.


A.K. PATHAK, J.

FEBRUARY 07, 2018/ga

- C M A 3547/18 for Correction
order dt- 07/02/2018

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+ CRL.M.C. 4562/2017

SANJIV BHAKT

..... Petitioner

Through Mr. Rajmangal Kumár, Adv

versus

THE STATE GOVT OF NCT OF DELHI & ORS

..... Respondent

Through Mr. G.M. Farooqui, APP for State.

+ CRL.M.C. 643/2018

YOGESH SHARMA

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Through Mr. Rajmangal Kumar, Adv

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through Mr. G.M. Farooqui, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **23.02.2018**

Crl M.A. 3541/2018 in CRL.M.C. 4562/2017 & Crl MA 3547/2018 in CRL.M.C. 643/2018 (both for correction of order dated 07.02.2018)

Despite service of advance notice, none has appeared on behalf of respondent no.2.

It is submitted that in para 2 at page 3 of order dated 7th February, 2018, the amount of demand draft has inadvertently been typed out as ₹3.30 lacs instead of ₹30 lacs. It is submitted that this typographical error may be rectified.

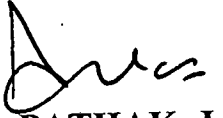
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Relevant portion of order dated 7th February, 2018 reads thus:-

“....Petitioner has paid ₹3.30 lacs through a demand draft favouring M/s Puja & Company to respondent no.2, a photocopy whereof has been placed on record....”

I have perused the record of both the petitions and it is found that photocopies of demand drafts placed on record, originals whereof were handed over to respondent nos.2 on 7th February, 2018, mentions an amount of ₹30 lacs. Accordingly, typographical error stands rectified and it is ordered that ₹3.30 lacs mentioned in the order dated 7th February, 2018 will be read as ₹30 lacs instead.

Both these applications are disposed of.


A.K. PATHAK, J

FEBRUARY 23, 2018

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