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

+ CRL.M.C. 1345/2018

M/S BOOM AGRO INDIA PVT. LTD & ORS

..... Petitioner

Through Mr. Shahid Azad, Adv. with
Mr. Rakesh Singh, MD of petitioner
No.1 and Ms.Jyoti Director of R-3

versus

THE STATE (GNCT OF DELHI) & ANR

..... Respondent

Through Mr. K.K. Ghei, APP for the State
SI Harpal Singh, PS Barakhamba Road
Mr. Manish Kumar, Adv. for R-2 with
Mr. Amit Kumar, AR of R-2

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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10.04.2018

Vide the present petition the petitioners No.1 to 3 seek quashing of the FIR No.35/2016 under Sections 420/120B Indian Penal Code, 1860 PS Barakhamba Road submitting to the effect that the chargesheet has not yet been filed and that a settlement has been arrived at between the parties and in terms of the said settlement a total sum of Rs.90.36 lakhs was to be paid by the petitioner to the respondent No.2 of which a sum of Rs.83.36 lakhs has been previously and a balance sum of Rs.7.00 lakhs is to be paid

during the course of the present proceedings.

On 16.3.2018 SI Mukesh Yadav of P.S. Barakhkamba Road was present and identified Mr. Amit Kumar, the authorized representative of the respondent No.2. The proceedings on 16.3.2018 were deferred for production of the certified copy of the Board resolution Ex.CW2/B of the respondent No.2 with the stamp of the company which is now found to be placed on record and testified to be the certified copy of the resolution issued by the respondent No.2 bearing the signatures of its Director Mr. Sameer Goel. It has been stated on behalf of the respondent No.2 by its authorized representative that there are now no claims of the respondent No.2 left against the petitioners qua proceedings in relation to FIR No.35/2016 under Sections 420/120B Indian Penal Code, 1860 PS Barakhamba Road. It has been put forth by the State in reply to a specific Court query that apart from the petitioners No.1 to 3 there are no other persons arrayed as accused in the FIR No.35/2016 under Sections 420/120B Indian Penal Code, 1860 PS Barakhamba Road.

As apparently the allegations against the petitioners relate inter alia to civil disputes and as also the offence punishable under Section 420 IPC is per se compoundable, in the interest of justice and in view of the settlement arrived at between the parties, it is considered appropriate to allow the prayer made by the petitioners seeking quashing of FIR No.35/2016 under Sections 420/120B Indian Penal Code, 1860 PS Barakhamba Road.

The Learned APP for the State in the circumstances of the case, does not no oppose the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

In view of the settlement arrived at between the parties and in view of the deposition made on behalf of the respondent No.2 through its Deputy Manager for which there appears no reason to disbelieve the statement made by Shri Amit Kumar, Deputy Manager (Legal) of respondent No.2 on behalf of respondent No.2 that the respondent No.2 has arrived at the settlement of its own accord, the FIR No.35/2016 under Sections 420/120B Indian Penal Code, 1860 PS Barakhamba Road and all the consequential proceedings emanating therefrom against the petitioners No.1 to 3 are quashed.

ANU MALHOTRA, J

APRIL 10, 2018

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Statement of CW2 : Shri Amit Kumar s/of Shri Ashok Kumar, aged 35 years r/o House N.023, Street No. 15/2 Brahampuri, Shastri Park, East Delhi, Delhi recalled for further examination pursuant to proceedings dated 16.3.2018.

ON S.A.

My address as Street No.15(2), Rampuri, Kalkaji Delhi-53 in my statement dated 16.3.2018 is erroneously typed and my correct address is as above.

I am Deputy Manager (Legal) of the respondent No.2 M/s NV Group Pvt. Ltd. (CW2 was identified by the I.O. who put in appearance on 16.3.2018 SI Mukesh Yadav, PS Barakhamba Road) as being the authorized representative of respondent No.2. I recognize the signatures of Mr. Sameer Goel, Director of respondent No.2 who has signed the resolution in my presence Ex.CW2/B. The stamp of the company/respondent No.2 is at point B on the certified copy of the Board resolution. In terms of the settlement arrived at between the respondent No.2 and the petitioners a total sum of Rs. 90.36 lakhs was to be paid by the petitioners to the respondent No.2 of which a sum of Rs.83.36 lakhs has already been received by the respondent No.2 and the balance sum of Rs.7.00 lakhs has now been handed over by the petitioners to me on behalf of respondent No.2 vide demand draft No.745614 for Rs.2.00 lakhs photocopy of which Ex.CW2/D and demand draft No.745613 for Rs.5.00 lakhs photocopy of which Ex.CW2/C both in favour of NV Group Pvt. Ltd. both drawn on Lakshmi Vilas Bank both dated 23.2.2018. There are no claims of respondent No.2 left against the

petitioner. The respondent No.2 does not oppose the prayer of the petitioners No.1 to 3 seeking quashing of the FIR No.35/2016 under Sections 420/120B Indian Penal Code, 1860 PS Barakhamba Road. The respondent No.2 also does not want the petitioners to be punished. The settlement has been arrived at between the petitioners and the respondent No.2 of its own accord.

RO & AC
APRIL 10, 2018

ANU MALHOTRA, J