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

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**CRL.M.C. 3112/2016**

**RAKESH MALHOTRA & ANR**

..... Petitioners

Through: Mr.Dhruva, Advocate with petitioners  
in person

versus

**STATE & ANR**

..... Respondents

Through: Mr.Ashish Dutta, APP for State with  
SI Gulshan Yadav, PS EOW, Mandir  
Marg  
Mr.Gaurav Sharma, Adv for R-2 with  
Mr.Ranjeet Yadav, the SPA of R-2

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

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**13.02.2018**

Mr.Gaurav Sharma, learned counsel for the respondent No.2 submits that he would be filing his vakalatnama during the course of the day.

Pursuant to the directions dated 9.1.2018 on behalf of the petitioners has been placed on record the affidavit of petitioner No.1 qua the detailed list of payment made to the respondent No.2 to the tune of Rs.15,03,35,000/- in relation to which a verification report has also been submitted on behalf of the State under the signatures of the Assistant Commissioner of Police Mr. Virender Singh of the EOW.

Through the status report as annexed, is the reply of the complainant of the FIR, i.e., Mr.Arun Kapur affirming receipt of the

total settled sum of Rs.15,03,35,000/- from the petitioners and he has also stated therein that out of the total sum a sum of Rs.2,41,00,000/- has been paid to his wife Ritu Kapoor, Rs.47,00,000/- by his brother Arvind Kapoor, Rs.1,24,20,000/- has been received by his son Mr.Samarth Kapoor, Rs.3,78,90,000/- has been received by his sister-in-law Mrs.Upasna Kapoor, Rs.1,20,00,000/- has been received by himself, Rs.62,25,000/- has been received by his daughter Ms.Shivani Kapoor and Rs.3,55,75,000/- has been received by him on behalf of M/s Kapsons Associates Investments Pvt. Ltd. of which he is the Director. It has also been stated through this reply of the complainant to the notice issued by the Investigating officer that a further sum of Rs.1,74,25,000/- has also been received by him from the petitioner.

The Investigating officer of the case is present today and in his deposition he has affirmed that he has conducted a verification in relation to the amount of Rs.15,03,35,00,000/- having been paid by the petitioners to the complainant Arun Kapoor through his said Special Power of Attorney Mr.Ranjeet Yadav, who also affirms the same.

In reply to a specific query, learned APP for the state submits that the transactions were between the petitioners and the respondent No.2 with no involvement of any other agency and as the respondent No.2, the complainant of the FIR is indicated to have received the entire settlement amount due from the petitioners and has also stated to the effect that he does not oppose the petition seeking quashing of the FIR no.68/2012, Police Station EOW Mandir Marg, under Sections 201/408/420/120B/477A of the Indian Penal Code, 1860. In

view of the settlement arrived at between the petitioners and the respondent No.2 and the deposition of the respondent No.2 through Special Power of Attorney as CW-2 to the effect that there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question, the FIR No.68/2012, Police Station EOW Mandir Marg, under Sections 201/408/420/120B/477A of the Indian Penal Code, 1860, against the petitioner in the circumstances of an amicable settlement between the parties and all consequential proceedings emanating therefrom are thus quashed.

**ANU MALHOTRA, J**

**FEBRUARY 13, 2018/sv**

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

**CRL.M.C. 3112/2016**

**RAKESH MALHOTRA & ANR Vs. STATE & ANR**

**Statement of CW1 : SI Gulshan Yadav, PS EOW, Mandir Marg, Delhi  
in continuation of proceedings dated 9.1.2018.**

**ON S.A.**

As per the verification conducted by me a total sum of Rs.15,03,35,000/- has been received by the complainant and the status report has been submitted under the signatures of the Mr.Virender Singh, ACP, PS EOW Mandir Marg which is EX.CW-1/B. Apart from the alleged defrauding of the complainant there is no other person.

**ANU MALHOTRA, J**

**RO & AC  
FEBRUARY 13, 2018**

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

CRL.M.C. 3112/2016

**RAKESH MALHOTRA & ANR Vs. STATE & ANR**

**Statement of CW2 : Shri Ranjiyt Singh Yadav, s/o Shri Lila Ram Yadav, aged 62 years r/o H.No. 1205, Sector-9 A, Gurgaon. In continuation of proceedings dated 9.1.2018.**

**ON S.A.**

I have seen the original Special Power of Attorney executed in my favour on 22.7.2016 by Mr.Arun Kapur, the Director of Kapsons Associates Investments Pvt. Ltd. where I am employed and I recognize the signatures of Mr.Arun Kapur, as I have seen him signing and writing whilst working with Mr.Arun Kapur. The photocopy of the Special Power of Attorney on the record is EX.CW-2/B bears the signatures of Mr.Arun Kapur at point 'A' on each page thereof which I identify. The entire amount due in terms of the settlement arrived at between the petitioners and the respondent No.2 has already been received by me, i.e., a sum of Rs.15,03,35,000/-. Under instruction from Mr.Arun Kapur, I state that there is no opposition to the quashing of the FIR No. 68/2012, PS EOW, Mandir Marg, under Sections 120-B/201/408/420 & 477A of IPC, 1860.

**ANU MALHOTRA, J**

**RO & AC  
FEBRUARY 13, 2018**