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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4332/2018**

M/S EMAAR MGF LAND PVT LTD..... Petitioner

Through: **Mr. Vikas Arora & Ms.
Radhika Arora, Advocates**

versus

STATE & ANR Respondents

Through: **Mr. Kamal Kumar Ghai, APP
Mr. Sumesh Malhotra & Mr.
Deepanshu Sharma, Advocates
for respondent No.2**

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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18.07.2019

1. The authorised representative of respondent No.2, Aadish Goel, s/o Naresh Goel, r/o B-77, Antriksh Apartments, Sector-14, Rohini, Delhi has filed an affidavit along with certified true copy of the Resolution of the Board Meeting of the Directors, authorising him severally to negotiate, discuss, settle, finalise and accept the terms and conditions of the 'Settlement Agreement' and thereafter file quashing petition before the Hon'ble High Court of Delhi and also authorised to appear before the Court and also sign and deliver all writings, including any other document on behalf of the company and to take such further actions as may be necessary in order to attain the aforementioned resolution.

2. Learned counsel for the petitioner submitted that due to a

typographical error, he could not mention the Sections properly in the prayer clause of the petition, which ought to have been Sections 406/420 of the Indian Penal Code, 1860 ('IPC'), instead of Sections 420/34 of the IPC and orally prays that in view of the settlement arrived at between the parties, the aforesaid amendments in the Sections be allowed to be carried out. Learned APP as well as learned counsel for the respondent No.2 has no objection to the same. Accordingly, the amendments are allowed.

3. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.46/2018, under Sections 406/420 of the IPC (as now amended), registered at P.S.:Barakhamba Road, Delhi and the proceedings emanating therefrom.

4. The petitioner and authorised representative of respondent No.2 as well as their respective counsel submitted that the parties have settled their disputes on their own free will, without any force or coercion vide Settlement Agreement dated 20.8.2018.

5. Authorised representative of respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that since the matter has been settled and nothing is due and payable from the petitioner, he has no objection to the petition being allowed and the FIR being quashed.

6. Learned counsel for the petitioner submitted that the

present petition may be allowed and the FIR may be quashed, subject to any condition that this Court may deem fit and proper. Learned counsel for the petitioner further submitted that the petitioner is ready to contribute a sum of Rs.1,00,000/- for some social beneficial cause in some Trust or Association.

7. The Investigating Officer ('IO'), who is present in Court, has identified the petitioner as well as the authorised representative of respondent No.2 and has also verified the settlement.

8. In view of the aforesaid circumstances and the settlement arrived at between the parties, this Court is also of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.46/2018, under Sections 406/420 of the IPC, registered at P.S.:Barakhamba Road, Delhi and the proceedings emanating therefrom are quashed, subject to deposit of a sum of Rs.1,00,000/-, out of which Rs.25,000/- be deposited in the Bharat Ke Veer Corpus Fund, Rs.25,000/- in the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820, Rs.25,000/- in the Delhi High Court Advocates' Welfare Trust and Rs.25,000/- in the Delhi High Court Staff Welfare Fund, SB A/c No.15530110074442 and receipts of the deposits be filed in the Registry within two weeks. Copy of the receipts shall also be handed over to the APP through the I.O. within three weeks. In

case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

9. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

JULY 18, 2019

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