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

+ **W.P.(CRL) 332/2020 and CRL.M.A. 2519/2020 & 2520/2020**

SHEFALI VARMA

..... Petitioner

Through Mr Jeevesh Nagrath, Mr Arshdeep Singh and Mr Aditya Chopra, Advocates along with petitioner in person.

versus

STATE & ORS.

..... Respondents

Through: Mr Sanjay Lao, ASC with Mr Karanjeet Sharma, Advocate for State along with SI S.K. Singh, EOW. Ms Shyel Trehan and Mr Raghav Anand, Advocates for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.02.2020

1. The petitioner has filed the present petition, *inter alia*, praying that the FIR bearing no. 10/2016, under Sections 406/420 of the IPC registered with Police Station Economic Offences Wing, Mandir Marg, New Delhi and all proceedings emanating therefrom, be quashed.
2. The FIR was registered at the instance of respondent nos. 2 and 3. The complaint was filed by one Mr S.K. Rohilla, who is the Authorised

Representative of respondent no.3. He is present in Court and is identified by the Investigating Officer. Respondent no.2 and Sh. Pradeep Jain, Director of respondent no.3 are present in Court and are identified by the Investigating Officer. They state that they have resolved all their disputes in terms of the “Full and Final Settlement Agreement” executed on 26.12.2019.

3. In terms of the said agreement, the petitioner has agreed to pay a sum of ₹11,50,00,000/- in full and final settlement of all claims of respondent nos. 2 and 3. This includes an aggregate amount of ₹80,00,000/- (₹66,00,000/- to respondent no.3 and ₹14,00,000/- to respondent no.2) that was agreed to be paid on 25.12.2019. It is stated that the demand drafts for the aforesaid amounts have already placed in an Escrow along with post-dated cheques of other instalments.

4. The parties also state that the amount of ₹1,20,00,000/- (₹21,00,000 lacs to respondent no.2 and ₹99,00,000/- to respondent no.3) have also become due and payable in terms of the said agreement and cheques for the said amount have been placed in the Escrow.

5. The petitioner is present in court and is identified by her counsel. She states that the demand drafts aggregating a sum of ₹80,00,000/- and cheques aggregating a sum of ₹1,20,00,000/- shall be released to respondent nos. 2 and 3 immediately. The balance amount is to be paid in six instalments – five instalments of ₹1,58,50,000/- and one instalment of ₹1,57,50,000/-. It is stated that the post-dated cheques for the aforesaid instalment have already been placed with Escrow and would be released to respondent nos. 2 and 3. The details of the said cheques have been mentioned in the Full and

Final Settlement Agreement.

6. It is stated by and on behalf of respondent nos.2 and 3 that with the said agreement being implemented, respondent nos. 2 and 3 would have no further grievances and/or claims against the petitioner.

7. The petitioner confirms that she has resolved all her disputes with respondent nos. 2 and 3 in terms of the Full and Final Settlement Agreement dated 26.12.2019. She further undertakes to this Court that the cheques issued in terms of the said agreement would be duly honoured on presentation. She is bound down to her undertaking.

8. The petitioner; Mr S.K. Rohilla, the Authorised Representative of respondent no.3; Mr Pradeep Jain, Director of respondent no.3; and respondent no.2 jointly pray that the FIR in question be quashed.

9. In view of the statements made by and/or on behalf of respondent nos. 2 and 3 and the undertaking given by the petitioner, this Court considers it apposite to allow the present petition.

10. Accordingly, the FIR in question (FIR bearing no. 10/2016 registered under Sections 406/420 of the IPC with Police Station Economic Offences Wing, Mandir Marg, New Delhi) and all other proceedings emanating therefrom, are quashed.

11. The concerned parties (petitioner, respondent no.2, Mr S.K. Rohilla and Mr Pradeep Jain) shall sign this order as an acknowledgement of their statements recorded herein.

12. All pending applications are also disposed of.
13. Order *dasti* under signature of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 04, 2020/ RK