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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 18/2016, IA No.12578/2019(u/O.XI R-21 CPC) &**
IA No.12655/2019((u/O.XI R-21 CPC)
ADITYA JINDAL Plaintiff
Through: Mr. M.C. Kochhar, Adv. along with
plaintiff and his father in person.
versus
SASWATI BOSE & ANR Defendants
Through: Ms. Namita Roy with Ms. Abhijit
Acharya, Advs. for D-1.
Mr. Pravin Sharma with Ms. Kanika
Sharma & Mr. Pranav Sharma, Advs.
along with defendant in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.01.2020

1. This order is in continuation of the order dated 15th January, 2020.
2. The counsel for the plaintiff and the counsel for the two defendants state that their respective clients are present in person in the Court.
3. The counsel for the plaintiff states, (i) that besides the present litigation, the plaintiff had also filed a complaint under Section 200 of the Cr.P.C., of offence under Section 499 & 500 of the IPC having been committed by the two defendants, in the Courts at Delhi and which complaint was dismissed; the plaintiff has filed a Revision Petition against the said order of dismissal and it is pending consideration; (ii) that besides the aforesaid proceeding, an FIR No.85/2016 with Police Station Sector- 16-17, Gurgaon was also registered against the two defendants, at the instance of the plaintiff, and is under investigation; (iii) that besides the aforesaid

two proceedings and this suit, there are no other proceedings between the parties; (iv) that the plaintiff is agreeable to the suggestions contained in the order dated 15th January, 2020, on the condition that the two defendants admit that the e-mails dated 20th January, 2015, 8th February, 2015 and two e-mails of 17th February, 2015 were sent by the defendants and tender unconditional apology to the plaintiff and also furnish an undertaking to this Court to, in future, not defame the plaintiff and not interfere in the life and business of the plaintiff; (v) that subject to the aforesaid, the plaintiff will withdraw the present suit and also withdraw the Revision Petition and cooperate in quashing of the FIR aforesaid.

4. The counsel for the defendant no.1 states that the defendant no.1 is agreeable to the aforesaid but did not send the e-mails aforesaid and does not admit sending the same.

5. The counsel for the defendant no.2 states that the defendant no.2 also is agreeable and though admits having sent the e-mails, it is the stand of the defendant no.2 that the said e-mails were sent at the behest of the defendant no.1.

6. Owing to the miniscule difference between the plaintiff and the defendant no.1 relating to admission by the defendant no.1 of sending the e-mails, it is not deemed expedient to keep the litigations/proceedings pending. Moreover the counsel for the plaintiff states that the plaintiff, on the basis of admission if made by the defendant no.1 of sending the e-mails, will not take any advantage, including in investigation pursuant to the FIR and not initiate any other proceedings against the defendant no.1.

7. Accordingly, the defendants state (i) that the e-mails aforesaid, admittedly sent by the defendant no.2 and disclaimed by the defendant no.1, but even if were to be proved to have been sent by the defendant no.1, were never intended to or meant to defame the plaintiff or to cause any loss or harm to the plaintiff and the defendants tender unconditional apology to the plaintiff for the same; (ii) that they undertake to this Court that they will in future not defame the plaintiff or cause any interference in the life or business of the plaintiff.;
8. The defendants are ordered to be bound by their aforesaid statement.
9. The unconditional apology of defendants is accepted by plaintiff.
10. The plaintiff states that he will withdraw the Revision Petition and cooperate in quashing of the FIR aforesaid.
11. The plaintiff is also ordered to be bound by the statement aforesaid.
12. It is clarified that relationship of defendant No.1 with father of plaintiff will not constitute interference by defendant No.1 with life or business of plaintiff.
13. The contents of the emails, in so far as concerning the plaintiff, are declared to be incorrect.
14. The suit is disposed of in terms of the above.

Dasti.

RAJIV SAHAI ENDLAW, J

JANUARY 17, 2020
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