

4

\$~14, 15 and 16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3551/2019

SUNIL SARDA Petitioner
Through: Mr.B.S. Rana, Advocate

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through: Mr.Kamal Kumar Ghei, APP for State
Mr.Kamal Mehta, Adv for R-2
(through VC)

+ CRL.M.C. 1372/2020

PRAMOD KUMAR & ANR. Petitioners
Through: Mr.Abhishek Chauhan, Advocate

versus

STATE & ANR. Respondents
Through: Mr.Kamal Kumar Ghei, APP for State
Mr.Kamal Mehta, Adv for R-2
(through VC)

+ CRL.M.C. 2204/2020

AJAY TANEJA Petitioner
Through: Mr.Yudhishtir Sharma, Advocate

versus

STATE & ANR. Respondents
Through: Mr.Kamal Kumar Ghei, APP for State
Mr.Kamal Mehta, Adv for R-2
(through VC)

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

25.02.2021

%

1. The petitioners, Sunil Sarda (Crl.M.C. No. 3551/2019), Pramod Kumar and Jai Prakash Jindal(Crl.M.C. No. 1372/2020) and Ajay Taneja (Crl.M.C. No.2204/2020) vide the present petitions seek quashing of the FIR No. 120/2007 Police Station Model Town under Sections 420/467/471 of the Indian Penal Code, 1860 registered against them in view of the Memorandum of Understanding dated 22.1.2019 between the petitioner of Crl.M.C. No. 3551/2019 Sunil Sarda and the respondent No.2 M/s Abhipra Capital Limited, on the basis of a Memorandum of Understanding dated 27.5.2019 between the petitioner No.1 (Pramod Kumar in Crl.M.C. No. 1372/2020) and the respondent No.2 vide a Memorandum of Understanding dated 27.5.2019 between Mr.Jai Prakash Jindal, (petitioner No.2 in Crl.M.C. No. 1372/2020) and likewise petitioner Ajay Taneja, petitioner of Crl.M.C. No. 2204/2020 seeks the quashing of the said FIR in view of the Memorandum of Understanding dated 28.8.2019 between the petitioner and the respondent No.2.

2. The respondent No.2 in each of the cases is indicated to have signed the stated settlement documents through their authorized signatories.

3. It has been submitted on behalf of the petitioners and it is not refuted on behalf of Abhipra Capital Limited, that a settlement has been arrived at between the parties vide the stated Memorandum of Understanding referred to herein above executed between them in terms of the directions dated 12.1.2021.

4. The State has placed on record the status report indicating that there are no previous adverse antecedents against the petitioners. The status report submitted in CrI.M.C. No. 2204/2020 which is adopted on behalf of the State as being the status report qua all petitioners of the three petitions, indicates that the allegations against the petitioners relate to *inter se* embezzlement qua Abipra Capital Limited in relation to which a settlement has been arrived at between the parties and that there is no defrauding of the public exchequer.

5. In terms of the settlement agreement dated 22.1.2019 between Sunil Sarda and Abhipra Capital Limited parties to CrI.M.C. No. 3551/2019 it has been stated by Mr.Abhinav Aggarwal, Director of Abipra Capital Limited, that in terms of the said settlement agreement, a total sum of Rs.42,50,000/- had to be paid by Mr.Sunil Sarda to the respondent No.2 of which a sum of Rs.27,50,000/- has been paid by the petitioner thereof, to the respondent No.2 and the balance sum of Rs.15,00,000/- has been handed over now by Mr.Sunil Sarda in the form of a Demand Draft in favour of Abhipra Capital Limited, dated 11.1.2021 bearing No.280371 drawn on the RBL Bank Limited in original which is placed on the Court record now (directed to be placed in a sealed cover) and a copy thereof is retained on the record qua which the same is allowed to be released to respondent No.2 through its authorized signatory Mr.Abhinav Aggarwal by the Registry on production of the proof of identity.

6. In view thereof, on behalf of the respondent No.2 it is stated by Mr.Abhinav Aggarwal that there is no opposition to the prayer made by the petitioner seeking quashing of the FIR No. 120/2007 Police Station Model Town under Sections 420/467/471 of the Indian Penal Code, 1860, against

7

Mr.Sunil Sarda.

7. Likewise it is stated by Mr.V.D.Aggarwal also a Director and Chairman of Abhipra Capital Limited that in view of the respective settlement agreements between the petitioners of Crl.M.C. No. 1372/2020 and the petitioner of Crl.M.C. No. 2204/2020, there is no opposition to the prayer made by the said petitioners seeking the quashing of very same FIR No. 120/2007 Police Station Model Town under Sections 420/467/471 of the Indian Penal Code, 1860, against them. It is further stated by Mr.V.D.Aggarwal that qua the petitioner Mr.Ajay Taneja, petitioner of Crl.M.C. No. 2204/2020, the Abhipra Capital Limited would make a payment of Rs.2,25,000/- to Mr.Ajay Taneja at the time of withdrawal of his Labour Court Proceedings which withdrawal of Labour Court proceedings in terms of the Memorandum of Understanding dated 28.8.2019 is to be paid on the quashing of the FIR No. 120/2007 Police Station Model Town under Sections 420/467/471 of the Indian Penal Code, 1860, which counsel for the petitioner undertakes would be withdrawn within a period 10 days in terms of the settlement agreement dated 28.8.2019 Clause 5 thereof.

8. In view of the proceedings herein above and the depositions on behalf of Mr.Abhinav Aggarwal as identified by Mr.Kamal Mehta, Advocate, Enroll No. D/2638/2012, learned counsel for the said respondent No.2. and the status report submitted by the State as is apparent that the proceedings further qua the FIR bearing No. 120/2007 Police Station Model Town under Sections 420/467/471 of the Indian Penal Code, 1860 any further would be an exercise in futility in view of the settlement arrived at between the parties and as also all claims between them stand settled qua the FIR with it having been already observed hereinabove as also brought forth through the status

report submitted by the State dated 2.1.2021 under signatures of the ACP Section 1 EOW which is placed on the records of Crl.M.C. No. 2204/2020 that there were no public exchequer involved or defrauded, it is considered appropriate to put a quietus to the litigation between the parties in relation to FIR bearing No. 120/2007 Police Station Model Town under Sections 420/467/471 of the Indian Penal Code, 1860, against the petitioners, i.e., Sunil Sarda (Crl.M.C. No. 3551/2019), Pramod Kumar and Jai Prakash Jindal(Crl.M.C. No. 1372/2020) and Ajay Taneja (Crl.M.C. No.2204/2020), which are thus quashed.

The petitions are disposed of.

At this stage, in as much as the Director of respondent No.2 is present along with the counsel, the Demand Draft as mentioned in paragraph No.5 hereinabove has been handed over to the Director of respondent No.2 to which there is no opposition from the petitioners' counsel.

ANU MALHOTRA, J 

FEBRUARY 25, 2021/SV