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

+ CRL.M.C. 1623/2022, CRL.M.A. 2474/2023 and CRL.M.A. 11315/2023

SURESH KUMAR GUPTA Petitioner

Through: Mr.Imran Ali, Adv.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Manoj Kumar, PS Amar
Colony.

Mr. Muzakkir Z Khan, Adv. for R-2
with R-2

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Date of Decision: 06.09.2023

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure has been filed on behalf of petitioner seeking quashing of FIR No. 328/2008, under Sections 409/420/465/467/468/471/477A /109/506/120-B/34 of IPC, registered

CRL.M.C. 1623/2022

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at P.S. Amar Colony, Delhi.

2. FIR was lodged on the statement of the complainant Vinod Gupta alleging therein that he, along with his family, were the shareholders of M/s Vivek Towers Pvt. Ltd. The complainant along with his brother; the accused herein, were subsequently appointed as the directors of the company. However, later the complainant alleges that the accused made some unauthorized allotments of shares without informing the complainant.
3. Learned counsel for the petitioner submits that IO has informed the learned Trial Court as recorded in the order dated 12.07.2023 that the offence of forgery is not made out and no investigation is pending on the part of the investigating Agency.
4. Learned APP for the State also states that the offence of the forgery was not made out.
5. However. both the parties submit that they have entered into the settlement at the mediation centre, Saket Courts, New Delhi dated 21.03.2023 on following terms and conditions:
 1. That the parties have already settled their disputes before Hon'ble CLB/NCLT vide order dated 13.01.2009, 02.09.2009, 06.02.2012, 02.09.2016, 03.02.2017 and 13.09.2022 subsequently parties have settled their dispute vide agreement of performance dated 31.03.2022 (6 pages) and supplementary consent agreement dated 31.03.2022 (4 pages), both annexed with the present settlement agreement as Annexure-A (Coli).
 2. Pursuant to the above-mentioned agreements and present settlement agreement the First Party does not wish to pursue and



- prosecute the Second Party in FIR No. 328/2008 registered at PS-Amar Colony and in the proceeding emanating from the said FIR.
3. It is further agreed between the parties that in pursuance to this settlement, both the parties shall make necessary statements before the concerned Court in the present matter for compounding the compoundable offence/quashing of the FIR. The First Party shall co-operate for compounding of the compoundable offences/quashing of the FIR.
4. Pursuant to the above-mentioned settlement and agreement parties have filed quashing petition bearing No. 1623/2022 titled Suresh Kumar Gupta Vs. State of NCT Delhi before Hon'ble High Court of Delhi and same pending adjudication.
5. It is further agreed that upon compliance of all the terms and conditions mentioned above, nothing shall remain due between the parties in respect of the present FIR and they shall not file any case (civil or criminal)/complaint regarding the same.
6. The parties are present and have been duly identified by the IO. Both the parties submit that it is a civil matter that they have settled and they are real brothers.
7. It has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.



8. I consider that there would be no purpose of continuing with the proceedings and do not see any reason to reject the settlement.
9. Taking into the account the totality of facts and circumstances the present FIR No. 328/2008, under Sections 409/420/465/467/468/471/477A /109/506/120-B/34 of IPC, registered at P.S. Amar Colony, Delhi and all the other proceedings emanating therefrom are quashed.
10. The present petitions stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 6, 2023/Pallavi