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

+ **CRL.M.C. 2072/2022**

ANIL BHALLA

..... Petitioner

Through: Mr. Nimish Chib, Mr. Anmol
Dandona and Mr. Ankit Rana, Advs.

versus

THE STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Amit Sahni, APP and Insp. Yad
Ram Yadav, PS EOW.
Mr. Ravin Rao, Adv. for R-2 and 4.

+ **CRL.M.C. 2108/2022**

JASON ASHOK KOTHARI

..... Petitioner

Through: Mr. Nimish Chib, Mr. Anmol
Dandona and Mr. Ankit Rana, Advs.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Amit Sahni, APP and Insp. Yad
Ram Yadav, PS EOW.
Mr. Ravin Rao, Adv. for R-2 and 4.

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Date of Decision: 14.09.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

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CRL.M.A. 24766/2023 in CRL.M.C. 2072/2022

1. The present application has been filed on behalf of Respondent No. 4 seeking direction to delete his name from the array of the parties, in view of the settlement arrived at between the respondent and the petitioners.
2. The present respondent had booked two residential units bearing No. IG-04-1604 & IG-04-0201 located in residential complex called Imperial Garden Situated at Sector 102, Village Kherki Majra, Dhankot, Gurugram, Haryana.
3. On account of non-delivery of the residential units, the FIR bearing No. 223/2018 was lodged against the petitioners.
4. However, now the parties have entered into a settlement.
5. There are two settlement agreements dated 11.09.2023 in respect of IG-04-1604 & IG-04-0201 respectively.
6. The parties have entered the settlement on the terms and condition as contained in the settlement agreement placed on the record which has not been reproduced for the sake brevity.
7. Mr. Rajan Walia is present in person and states that he has voluntarily entered into the settlement with the petitioners and has received the entire amount and therefore his name may be deleted from the array of the parties.
8. In view of the submissions made, name of Respondent No. 4 is deleted from the array of the parties in Crl.M.C. 2072 of 2022 titled as "ANIL BHALLA Vs. State & Ors. The FIR No. 223/2018 registered at



P.SEOW, New Delhi, qua the present Respondent stands quashed.

CRL.M.A. 24770/2023 in CRL.M.C. 2072/2022

9. The present application has been filed on behalf of Respondent No. 2 seeking direction to delete his name from the array of the parties from FIR No. 223/2018 registered at P.S EOW, New Delhi, in view of the settlement arrived at between the respondent and the petitioners.
10. The respondent had booked a residential unit bearing No. IG-06-1402 located in residential complex called Imperial Garden Situated at Sector 102 Village KherkiMajra, Dhankot, Gurugram, Haryana.
11. Since the unit was not delivered, a FIR No. 223/2018 was registered at PS EOW was lodged and after investigation the charge-sheet was filed.
12. However, now the parties have entered into the settlement vide settlement agreement dated 06.09.2023.
13. The present petition bearing CRL.M.C. 2072/2022 was filed for quashing of the FIR qua the present respondent.
14. Now Mr. Alok Sabharwal/Respondent No.2 is present in person and states that he has entered the settlement on the terms and conditions as contained in the settlement agreement placed on the record which has not been reproduced for the sake brevity. The Respondent no.2 submits that a DD Bearing No. 299381 dated 31.08.2023 in the name of Mr. Alok Sabharwal amounting to Rs. 13,200,500/- (Rupees Thirteen Million Two Hundred Thousand Five Hundred Only) drawn from The Hongkong and Shanghai Banking Corporation Limited(HSBC Bank) has been handed over to him in court.



15. Respondent No.2 states that he has voluntarily entered into the settlement without any fear, force and coercion.
16. Since it was civil dispute and the parties have amicably settled the matter, I consider that there would be no purpose of continuing with the proceedings. Taking into the account the totality of facts and circumstances, the name of Respondent No.2 is deleted from the array of parties in Crl. M.C. 2072 of 2022 titled as "ANIL BHALLA Vs. State &Ors. The FIR No. 223/2018 registered at P.SEOW, New Delhi, qua the present Respondent stands quashed.

CRL.M.A. 24772/2023 in CRL.M.C. 2108/2022

17. The present application has been filed on behalf of Respondent No. 4 seeking direction to delete his name from the array of the parties, in view of the settlement arrived at between the respondent and the petitioners.
18. The present respondent had booked two residential units bearing No. IG-04-1604 & IG-04-0201 located in residential complex called Imperial Garden Situated at Sector 102, Village KherkiMajra, Dhankot, Gurugram, Haryana.
19. On account of non-delivery of the residential units, the FIR bearing No. 223/2018 was lodged against the petitioners.
20. However, now the parties have entered into a settlement.
21. There are two settlement agreements dated 11.09.2023 in respect of IG-04-1604 & IG-04-0201 respectively.
22. The parties have entered the settlement on the terms and condition as



contained in the settlement agreement placed on the record which has not been reproduced for the sake brevity.

23. Mr. Rajan Walia is present in person and states that he has voluntarily entered into the settlement with the petitioners and has received the entire amount and therefore his name may be deleted from the array of the parties.
24. In view of the submissions made, name of Respondent No. 4 is deleted from the array of the parties in Crl.M.C. 2108 of 2022 titled as "JASON ASHOK KOTHARI Vs. State &Ors.". The FIR No. 223/2018 registered at P.SEOW, New Delhi, qua the present Respondent stands quashed.

CRL.M.A. 24773/2023 in CRL.M.C. 2108/2022

25. The present application has been filed on behalf of Respondent No. 2 seeking direction to delete his name from the array of the parties from FIR No. 223/2018 registered at P.S EOW, New Delhi, in view of the settlement arrived at between the respondent and the petitioners.
26. The respondent had booked a residential unit bearing No. IG-06-1402 located in residential complex called Imperial Garden Situated at Sector 102 Village KherkiMajra, Dhankot, Gurugram, Haryana.
27. Since the unit was not delivered, a FIR No. 223/2018 was registered at PS EOW was lodged and after investigation the charge-sheet was filed.
28. However, now the parties have entered into the settlement vide settlement agreement dated 06.09.2023.
29. The present petition bearing CRL.M.C. 2108/2022 was filed for

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quashing of the FIR qua the present respondent.

30. Now Mr. Alok Sabharwal/Respondent No.2 is present in person and states that he has entered the settlement on the terms and conditions as contained in the settlement agreement placed on the record which has not been reproduced for the sake brevity. The Respondent no.2 submits that a DD Bearing No. 299381 dated 31.08.2023 in the name of Mr. Alok Sabharwal amounting to Rs. 13,200,500/- (Rupees Thirteen Million Two Hundred Thousand Five Hundred Only) drawn from The Hongkong and Shanghai Banking Corporation Limited(HSBC Bank) has been handed over to him in court.
31. Respondent No.2 states that he has voluntarily entered into the settlement without any fear, force and coercion.
32. Since it was civil dispute and the parties have amicably settled the matter, I consider that there would be no purpose of continuing with the proceedings. Taking into the account the totality of facts and circumstances, the name of Respondent No.2 is deleted from the array of parties in Crl. M.C. 2108 of 2022 titled "JASON ASHOK KOTHARI Vs. State &Ors.".The FIR No. 223/2018 registered at P.SEOW, New Delhi, qua the present Respondent stands quashed.
33. Next dated fixed i.e., 10.11.2023 stands cancelled.

DINESH KUMAR SHARMA, J

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SEPTEMBER 14, 2023/AR

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