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

+ **W.P.(CRL) 204/2023**

SHRI SARTAZ KHAN

..... Petitioner

Through: Mr. Vibhor Vardhan, Advocate along
with petitioner-in-person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Rupali Bandhopadya, ASC for
the State with Inspector Satvinder,
Special Cell and SI Sunil Verma, P.S.
Kalkaji.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
24.05.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of FIR bearing no. 359/2015, registered at Police Station Kalkaji, New Delhi for the offences punishable under Sections 420/406 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
2. Petitioner is present before this Court and has been identified by his counsel Mr. Vibhor Vardhan and Investigating Officer (IO) SI Sunil Verma from Police Station Kalkaji, New Delhi.
3. Brief facts of the present case are that the petitioner is the proprietor of M/s Eagle Trade Mart. In November/December, 2013, the petitioner had



supplied the material i.e. crockery items to M/s Nucleus Marketing i.e. the complainant firm against the invoices of Rs. 1,19,77,094/- which included the cost of material and VAT of Rs. 13,30,788.66/-. On 12.06.2014, against the said invoices of Rs. 1,19,77,094/-, respondent no. 2 had paid a sum of Rs. 1,11,30,000/- through transfer by RTGS to their account maintained with ICICI Bank, Pitampura, Delhi. On 19.12.2014, due to some confusion the amount of VAT due was not paid by the parties, although the same was to be paid by the petitioner's firm and therefore when liability of VAT arrived Respondent No. 2 filed a complaint before the SHO, Kalkaji Police Station, alleging that the petitioner has not paid the VAT amount charged in the invoices to the Government and the Respondent no. 2 has to pay the VAT along with the penalty to the Government. On 21.11.2014, a legal notice was received by M/s Neelkanth Crockery Emporium for realisation of payment of Rs. 20,00,000/- from the petitioner. On the complaint of respondent no. 2, the present FIR bearing no. 359/2015 was registered at Police Station Kalkaji, New Delhi against the petitioners for offence punishable under Sections 420/406 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes *vide* Memorandum of Understanding (MoU) dated 16.11.2022.

4. On the query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that he has entered into compromise out of his own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between *vide* Memorandum of Understanding (MoU) dated 16.11.2022. Respondent no. 2 further stated that he has no objection if FIR may be quashed.



5. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.
6. Accordingly, FIR bearing no. 359/2015, registered at Police Station Kalkaji, New Delhi for the offences punishable under Sections 420/406 of IPC and all consequential proceedings emanating therefrom are quashed.
7. In view of above, the petition stands disposed of.
8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 24, 2024/zp

Click here to check corrigendum, if any