



\$~85

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

+ **CRL.M.C. 420/2024 & CRL.M.A. 1645/2024**

UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD. & ORS.

.....Petitioners

Through: Mr.Sudhir Nandrajog, Sr. Advocate
with Mr. Sumeer Sodhi, Mr. Aman
Nandrajog and Mr. Arjun Nanda,
Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Raghuvinder Verma, APP for the
State alongwith Insp. Kamal Kishor,
EOW
Mr.Sahil Khurana, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

14.10.2024

%

1. The instant petition under Section 482 of the Code of Civil Procedure, 1973 (hereinafter “Cr.P.C.”) (currently under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS)) has been filed by the petitioner praying for quashing of FIR bearing No. 55/2023 registered at the Economic Offences Wing, Mandir Marg, New Delhi, for offences punishable under Sections 409/420/120B of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioner No.1/company through its Authorized Signatory Mr. Atul Kumar Gahlaot and the petitioners No.2 to 6, who are the Directors,



Ex-Directors and other officials of the petitioner No.1/company, are present before this Court (through Video Conferencing) and have been identified by his counsel and Investigating Officer Inspector Mr. Kamal Kishor, Police Station Economic Offences Wing, Mandir Marg, New Delhi. The respondent No.2/complainant is also present in the Court (through Video Conferencing) and has been identified by her counsel and the Investigating Officer.

3. On the query made by this Court, respondent no.2/complainant has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent No.2 that she has received the entire amount agreed upon as per the settlement and the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that the petitioner no. 1 is a registered company under the Companies Act, 1956 and had launched a project namely, 'Wave City –NH24' at Ghaziabad, Uttar Pradesh. The respondent No. 2 purchased an Expression of Interest (EOI) dated 2nd February, 2006 in an open market and got the same transferred in her name for allotment of one of the plots in the project of the petitioner no.1/company. The respondent No. 2 had purchased a booking slip from M/s Shree Ank Finhold Pvt. Ltd. for a sum of Rs.7,87,500/-. The petitioner No.1/company vide letter dated 13th June, 2011 intimated the respondent no. 2, as well as several other allottees, regarding the allotment of plots in the projects, and were asked to come forward with certain relevant documents so that allotments could be made. However, the said plot has not been allotted to the respondent No.2. Based on a complaint made by the respondent no. 2, the FIR in question came to be registered.



5. During the pendency of investigation, another letter dated 2nd January, 2024 was issued by the petitioner no.1/company to the respondent no.2, thereby offering to refund the entire amount paid by the respondent no. 2 i.e., Rs. 7,87,500/-, along with an interest @ 10% and an additional compensation of Rs. 1,00,000/-. Simultaneously, the petitioner no.1/company transferred a total sum of Rs. 21,56,972/-, out of which Rs. 7,87,500 is the principal amount, Rs. 12,69,472/- is the interest amount after deduction of TDS and Rs. 1,00,000/- is the additional compensation, into the bank account of the respondent no. 2. Subsequently, a Deed of Settlement has been entered into between the petitioner No.1/company and the respondent No.2, thereby, recording the terms of the settlement already arrived at as well as a no objection of the respondent No.2 for allowing the present petition. The terms and conditions of the said settlement are mentioned in the Deed of Settlement which is annexed as Annexure P-3 to the petition.

6. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the judgment of the Hon'ble Supreme Court passed in **Gian Singh vs. State of Punjab, (2012) 10 SCC 303**.

7. Mr. Raghuvinder Verma, learned APP for the State submitted that a total of 966 complaints against the petitioner no.1/company were registered with UP RERA, out of which 887 complaints have already been settled. Thus, there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

8. Heard learned counsel for the parties and perused the record.



9. Keeping in view of the fact that the petitioners have already settled 887 complaints out of 996 complaints along with the amicable settlement between the petitioners and respondent no.2 and having received the entire amount by the respondent no. 2, no fruitful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 55/2023 registered at the Economic Offences Wing, Mandir Marg, New Delhi, for offences punishable under Sections 409/420/120B of the IPC and consequent proceedings emanating therefrom are quashed.

10. Accordingly, the petition stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 14, 2024

Dy/mk

[Click here to check corrigendum, if any](#)