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

+ **CRL.M.C. 934/2024**

RAJESH JAIN & ORS.

..... Petitioners

Through: Mr. Vikas Nagpal & Mr.
Ashok Mahajan, Advs. for
all the petitioners alongwith
all the petitioners.

versus

STATE GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Hitesh Vali, APP for
the State with SI Virender,
PS Model Town.
Mr. Prem Prakash Soni,
Adv. for R-2 to R-6 with R-
2 to R-6 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

06.02.2024

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CRL.M.A. 3740/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') for quashing of FIR No.28/2023 dated 12.01.2023, for offence under Section 406/420/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Model Town, including all consequential proceedings emanating therefrom.

4. The said FIR was lodged at the instance of complainant

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Suresh Kumar Gupta (now being represented herein by his legal heirs as arrayed in the Memo of Parties from respondent Nos.2 to 6).

5. It is alleged in the said FIR that on 10.03.2019 Petitioner Nos. 2, 3, 4 & 5 entered into Collaboration Agreement with Petitioner No. 1 to develop / reconstruct the property No. B-217, Derawal Nagar, Delhi-110009. On 10.7.2020, Petitioner No. 1 entered into an Agreement to Sale with the Respondent Smt. Shakuntla Gupta and late Shri Suresh Kumar Gupta (now being represented by his legal heirs as he expired on 24.4.2023) to sell upper ground floor of the said property. Subsequently, due to COVID, the Collaboration Agreement got delayed for various reasons which led to the registration of the present FIR No. 28/2023.

6. The Learned counsel for the petitioners submits that with the intervention of Delhi High Court Mediation and Conciliation Centre, the parties have settled their disputes and have entered into an agreement dated 25.08.2023. The terms of the settlement are as follows:

- A sum of ₹40,00,000/- is already paid to the petitioner No.1 by the other petitioners (all are accused in the present FIR) and a sum of ₹10,00,000/- had to be handed over in Court to petitioner No. 1 at the time of quashing of present FIR.
- The petitioner No.1 Rajesh Jain had also agreed to pay a sum of ₹10,00,000/- to Respondents / complainants.
- After the payment, the Petitioner No. 1 and the Respondents / complainants have agreed to claim no right, title or any interest of any nature whatsoever with respect to the upper ground floor of the property bearing No.B-217, Derawal Nagar, Delhi.



7. A sum of ₹10,00,000/- lakhs has been handed over today by the Petitioner No. 2, 3, 4 & 5 to Petitioner No. 1 by way of two Managers Cheques of ₹5,00,000/- lakhs each bearing No. 004328, dated 01.02.2024 and 048519, dated 03.02.2024 both issued by HDFC Bank.

8. The Petitioner No. 1 shall pay the balance amount to respondents / complainants in terms of the settlement, if not already paid.

9. The parties are bound down to the terms of settlement dated 25.08.2023.

10. The parties are present in person and have been duly identified by the Investigating Officer. They state that they have settled their disputes amicably and do not have any objection if the proceedings are quashed.

11. The offences under Sections 420 and 406 of IPC are compoundable in nature. The complainants are present in the Court, the factum of settlement has also been confirmed by the IO and the petition is supported by sworn affidavits of the complainants, no useful purpose would be served by relegating the parties to the learned Trial Court for filing an application to compound the offence.

12. However, keeping in mind the fact that State machinery has been put to motion, ends of justice would be served if the parties are put to cost.

13. In view of the above, the present petition is allowed and the present FIR No. 28/2023 alongwith all consequential proceedings are quashed, subject to the payment of cost of ₹10,000/- to be deposited by the petitioners with the Delhi Police Welfare Fund, with in a period of four weeks from today.



14. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 6, 2024
“SK”