



\$~ 25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 319/2021, CRL.M.A. 1645/2021 & CRL.M.A. 4994/2021
ELITE VILLAS LIMITED & ANR. Petitioners
Through: Mr. Mohit Mathur, Senior Advocate
with Mr. Mayank Wadhwa, Mr.
Harsh & Ms. Muskan Gupta,
Advocates.

versus

STATE & ORS. Respondents
Through: Mr. Naresh Kumar Chahar, APP for
the State.
Inspector Sanjay Kumar, EOW.
Mr. Kapil Sankhla, Mr. Akhilesh
Agarwal, Mr. Gopesh Jindal & Mr.
Hanish, Advocates.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
09.01.2024

%

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the petitioner praying for quashing of FIR bearing No. 0200 dated 17.11.2020 registered at Police Station Economic Offence Wing (EOW) for offences punishable under Section 409, 420 and 120B of the Indian Penal Code, 1860 ('IPC').
2. Petitioner is present through video-conferencing and has been identified by his counsel and Investigating Officer (IO) Inspector Sanjay Kumar from Police Station EOW, Delhi.
3. Brief facts of the case are that the petitioner got the land admeasuring



14.843 acres in Gurugram, Haryana, and obtained license dated 14.11.2011. The petitioner also got approval of zonal plan for the subject land from DTCP. The petitioner had entered into a collaboration agreement dated 19.07.2012 with respondent nos 4 and 5 for the purpose of development of the aforementioned project. The petitioner had entered into several agreements with various customers after obtaining all the permissions and sanctions. The petitioner also arranged for certain loan facilities from DHFL and got sanctioned a total loan amount of Rs. 725 crores, however, the complete amount got never disbursed. Subsequently the said NBFC itself started facing financial difficulties and went under insolvency. In the year 2017, some of the customers filed cases before the National Consumer Disputes Redressal Commission (NCDRC) seeking cancellation of their units and refund of the amounts. The petitioner was contesting the said litigation in the forum. In June 2020, the petitioner received an enquiry notice from EOW and joined the investigation before the said authority. After getting to know the malafide and illegal FIR registered against the petitioner, the petition instated the present petition.

4. On a query made by this Court, the complainant who is present before this Court in-person states that another complaint of defamation has been allegedly filed by the petitioners Learned counsel for the petitioner however states that in case such a complaint has been filed, the same will stand withdrawn, since the matter stands compromised.

5. In view of the facts of the present case, this Court is of the opinion that no useful purpose will be served by continuing with the proceedings as the parties have amicably resolved their differences out of their own free will, and without any coercion. Rather the same would create further



acrimony between them. It would therefore be in the 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. 0200 dated 17.11.2020 registered at Police Station Economic Offence Wing (EOW) for offences punishable under Section 409, 420 and 120B of the IPC and all consequential proceedings emanating therefrom are quashed.

7. It is also clarified that in case any complaint stands filed from the petitioner's side, the same will be deemed to be withdrawn.

8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2024/at

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