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

+ **CRL.M.C. 1801/2024**

SANJAY SHARMA

.....Petitioner

Through: Mr. C.S. Prashar & Mr. Shajan Ali,
Advocates with petitioner in person.

versus

STATE (GNCTD) & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
Mr. Nimesh Chib & Mr. Akshay
Arora, Advocates for R-2 with R-2 in
person.
S.I. Vikas Yadav, PS GTB Enclave.

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+ **W.P.(CRL) 3341/2023 & CRL.M.A. 31006/2023**

SH. RAVINDER SINGH DALAL

.....Petitioner

Through: Mr. Nimesh Chib & Mr. Akshay
Arora, Advocates with petitioner in
person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
Mr. C.S. Prashar & Mr. Shajan Ali,
Advocates for R-2 with R-2 in person.
S.I. Vikas Yadav, PS GTB Enclave.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.07.2024

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1. The petitioner/Sanjay Sharma and petitioner/Ravinder Singh Dalal by way of CRL.M.C. 1801/2024 under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) and W.P.(CRL) 3341/2023 under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., 1973 respectively seek to quash the Complaint Case No. CC/5002/2016 registered under Sections 406/419/420/467/471/120B of Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police



Station Shahbad Dairy and FIR No. 643/2021 registered under Sections 420/406/120B of IPC at Police Station Shahbad Dairy, Delhi.

2. It is submitted that the respondent No. 2/Ravinder Singh Dalal in CRL.M.C. 1801/2024 and the petitioner in W.P.(CRL) 3341/2023 was running the business of automobile repairs in the name of M/s Madhuban Motors as his Proprietorship Firm. *Vide* Partnership Deed dated 29.07.2008, the petitioner/Sanjay Sharma and the respondent No. 2/Ravinder Singh Dalal entered into a partnership for carrying on the business of workshop for service and repairs of automobiles and other under the name and style of M/s New Madhuban Motors, in which the petitioner/Sanjay Sharma and respondent No. 2/Ravinder Singh Dalad had 51% and 49% share respectively.

3. It is further submitted that the disputes arose between the parties, whereby the respondent No. 2/Ravinder Singh Dalal lodged a Criminal Complaint bearing No. CC/5002//2016 at Police Station Shahbad Dairy.

4. *Vide* Order dated 02.06.2011, the petitioner/Sanjay Sharma along with two other persons was summoned by learned Metropolitan Magistrate. However, the two said persons have already been discharged.

5. During the pendency of the Criminal Complaint bearing No. CC/5002//2016, the respondent No. 2/Ravinder Singh Dalal sold the Plot No. 195, Sector-16, HSIIDC Bahadurgarh in the month of 2020, treating it exclusive and absolute personal property without paying anything to the petitioner/Sanjay Sharma from the sale proceeds. Even though the said property belonged to the Partnership Firm i.e., M/s Madhuban Motors. Consequently, the petitioner/Sanjay Sharma lodged a Complaint dated 19.09.2020 with the Police Station Shahbad Dairy, Outer North District



against the respondent No. 2 on which the FIR No. 0643/2021 dated 04.11.2021 was registered against the respondent No. 2/Ravinder Singh Dalal.

6. The respondent No. 2/Ravinder Singh Dalal by way of W.P.(CRL) 3341/2023 is seeking to quash the FIR No. 0643/2021.

7. In the meanwhile, with the intervention of friends and well-wishers of both the parties, the petitioner/Sanjay Sharma and the respondent No. 2 have settled all their disputes *vide* Memorandum of Settlement dated 06.01.2024 which *inter alia* states that: -

(i) That the petitioner/Sanjay Sharma shall cooperate in quashing the FIR No. 0643/2021 dated 04.11.2021 registered under Sections 406/420/120B at Police Station Shahbad Dairy, Delhi,

(ii) That the respondent No. 2/Ravinder Singh Dalal shall withdraw the Criminal Complaint bearing No. CC/5002/2016.

(iii) That after execution of the Memorandum of Settlement dated 06.01.2024, both the parties shall not claim any compensation, damages etc. from each other.

8. In view of the Memorandum of Settlement dated 06.01.2024, the present petitions have been filed.

9. The petitioner/Sanjay Sharma and respondent No. 2/Ravinder Singh Dalal are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

10. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Settlement dated 06.01.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

11. The present petitions have been signed by the petitioner/Sanjay



Sharma and respondent No. 2/Ravinder Singh Dalal and are supported by their respective affidavits. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

12. Today, the petitioner/Sanjay Sharma and the respondent No. 2/Ravinder Singh Dalal, who are present in Court, state that they have amicably settled all the disputes and have no objection if the FIR and the Complaint Case are quashed.

13. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the Complaint Case and the proceedings pursuant thereto.

14. Moreover, there is no legal impediment in quashing the FIR and the Complaint Case in question.

15. Accordingly, Complaint Case No. CC/5002/2016 registered at Police Station Shahbad Dairy for offences punishable under Sections 406/419/420/467/468/471/120B of IPC, 1860 and FIR bearing No. 643/2021 registered at Police Station Shahbad Dairy, Delhi, for offences punishable under Sections 420/406/120B of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

16. The petitions along with pending application stand disposed of.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/DA