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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 966/2023 & CRL.M.A. 8810/2023, 8812/2023, 474/2024
& 5113/2024

MR. HARISH SHARMA

..... Petitioner

Through: Mr. Anirban Bhattacharya, Advocate

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC for the State
with SI Mohit Kumar, P.S. Maidan
Garhi.
AR of R-2 to 5 along with R-2 to 5.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

16.02.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of complaint being Ct. Case No. 31160/2019 filed by respondent Nos. 2 to 5 against the petitioner pending before learned MM-04, South, Saket Courts, New Delhi. In addition, the petitioner has also sought quashing of the order dated 21.08.2020 whereby the learned MM has taken cognizance of the offence and also prayed for quashing of orders dated 07.07.2022 and 23.08.2022 whereby the learned MM has issued summons to the petitioner, quashing orders dated 19.09.2022 and 31.10.2022 whereby the learned MM has issued bailable warrants against the petitioner, quashing



orders dated 01.12.2022, 12.01.2023 and 25.02.2023 whereby the learned MM has issued Non Bailable Warrants against the petitioner and quashing of the order dated 17.03.2023 whereby the learned MM has directed issuance of proclamation under Section 82 of the Cr.P.C against the petitioner.

2. Petitioner is present before this Court and has been identified by his counsel Mr. Anirban Bhattacharya, Advocate and Investigating Officer (IO) SI Mohit Kumar from Police Station Maidan Gari, Delhi.

3. The allegations against the petitioner is that in 2014 the complainant had been searching for space for business purposes, when the co-accused had introduced the complainant with petitioner/accused, who had introduced himself as Director of Aadhar Infra Holdings Limited. On 26.12.2014, all complainants had went to the office Aadhar Infra Holdings Limited where the co-accused had asked the complainants to pay total amount of Rs. 6,00,000/- which was bifurcated as 50% alongside service tax at the time of booking whereas the remaining 50% alongside service tax at the time of possession. On the very next day, the co-accused had visited the complainant's house to collect four cheques of Rs. 1,00,000 /- each. Subsequently, Aadhar Infra Holdings Limited had issued four separate demand letters demanding the payment of the remaining amount, which was acceded to by the complainant where he had issued four cheques of Rs. 2,11,124/- each. Promise of possession had been made *via* four separate MoU dated 18.02.2015. The petitioner/accused, citing the conditions mentioned in the MoU which allowed for refund of the money to the investor alongside appreciation, a cheque of Rs 5,43,000/- was enclosed with a letter. The petitioner/accused, after the expiry of 48 months upon



being approached by the complainant, denied the possession of the shops and had informed the complainant to encash the cheque instead which upon encashing was dishonored. Upon being approached by the complainant the petitioner/accused had threatened to kill him.

4. On a query made by this Court, respondent no. 2 to 5, who have been identified by the IO, has categorically stated that they have entered into compromise out of their own free will and without any pressure, coercion or threat. It is also stated by respondent no. 2 to 5 that the entire dispute has been amicably settled between the parties vide Settlement Agreement dated 18.01.2024 between them.

5. It is stated that the matter has been amicably settled between the parties. The complainant bank has received the entire settled amount due towards them. It is stated that now the respondent no. 2 to 5 have settled the matter with the petitioner and nothing remains due towards them and have no objection if the FIR is quashed.

6. Accordingly, complaint being Ct. Case No. 31160/2019 filed by respondent Nos. 2 to 5 against the petitioner pending before learned MM-04, South, Saket Courts, New Delhi. In addition, the petitioner has also sought quashing of the order dated 21.08.2020 whereby the learned MM has taken cognizance of the offence and also prayed for quashing of orders dated 07.07.2022 and 23.08.2022 whereby the learned MM has issued summons to the petitioner, quashing orders dated 19.09.2022 and 31.10.2022 whereby the learned MM has issued bailable warrants against the petitioner, quashing orders dated 01.12.2022, 12.01.2023 and 25.02.2023 whereby the learned MM has issued Non Bailable Warrants against the petitioner and quashing of the order dated 17.03.2023 whereby the learned MM has directed



issuance of proclamation under Section 82 of the Cr.P.C against the petitioner and all consequential proceedings emanating therefrom are quashed.

7. The petition along with pending applications stands disposed of.
8. The order be uploaded on the website forthwith.

FEBRUARY 16, 2024/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any