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

+ **W.P.(CRL) 1033/2024 & CrI.M.A.9757/2024**

TUSHAR ANEJA AND ANR

....Petitioners

Through: Mr. Harsh Kumar, Advocate for P-1
Mr. Shaantanu Devansh & Ms.
Rashika Chopra, Advocates for P-2

versus

STATE OF NCT OF DELHI AND ANR.

....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State
with SI Paritosh
Mr. Kirti Uppal, Sr.Advocate with
Mr. Navneet Thakran, Advocate for
R-2 with Mr. Aishwary Shandilya,
Legal Manager, Authorised Officer of
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

05.12.2024

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1. The instant petition under Articles 226 & 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023] has been filed by the petitioners praying for quashing of FIR bearing No. 177/2021 registered at Police Station – Economic Offence Wing, Delhi for offences punishable under Sections 420/120-B of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioner in the instant case had taken a loan to the tune of Rs. 2,30,00,000 (Rupees Two Crores Thirty Lakhs) from respondent no. 2 for purchase of a property and a loan agreement was executed between the



parties.

3. On default, a demand notice was sent and subsequently an FIR was lodged against the petitioner on the allegations of him taking another loan for purchase of the same property. In the meantime, the respondent no.2 had also taken possession of the property and the title documents.

4. Thereafter, a settlement arrived at between the parties and the present petition has been filed for quashing of the FIR.

5. The petitioners are present before this Court and have been identified by their respective counsel and Investigating Officer SI Paritosh, Police Station Economic Offence Wing, Delhi. The representative of respondent no. 2 is also present in the Court and has been identified by his counsel and the Investigating Officer.

6. Mr. Aishwary Shandilya, Legal Manager of respondent No.2, present in Court submitted that the petitioner and respondent No.2 have settled the disputes vide One Time Settlement and the respondent No.2 has received all the money in terms of letter dated 29th November, 2023 which is annexed as Annexure P-5 to the present petition. He further submits that respondent No.2 does not wish to continue the present case and has no objection, if the present petition is allowed and the aforesaid FIR is quashed.

7. It is prayed that the instant FIR be quashed on the basis of the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab***, (2012) 10 SCC 303 and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat***, (2017) 9 SCC 641.

8. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.



9. Heard learned counsel for the parties and perused the record.
10. In view of the settlement arrived at between the parties, law laid down by the Hon'ble Supreme Court, the present petition is allowed as keeping the FIR alive would not serve any purpose. Accordingly, FIR bearing No. 177/2021 registered at Police Station – Economic Offence Wing, Delhi for offences punishable under Sections 420/120-B of the IPC and all consequential proceedings emanating therefrom are quashed.
11. It is made clear title documents, if any, be released in favour of the petitioners herein.
12. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 5, 2024

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Click here to check corrigendum, if any