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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 2894/2024**  
**ABHINAV JAIN & ORS.** .....Petitioners

Through: Mr. Ajay Kumar Chopra, Adv.

versus

**THE STATE & ANR.** .....Respondents  
Through: Mr. Hitesh Vali, APP for State with  
Insap. Vinay Kumar, ASI Ajay Singh,  
PS: Crime Branch.

**CORAM:**  
**HON'BLE MR. JUSTICE ANISH DAYAL**

% **ORDER**  
**28.08.2024**

1. This petition has been filed seeking quashing of FIR no. 80/2019 under Sections 384, 385, 420, 467, 468, 471, 120B & 34 IPC registered at PS Crime Branch, New Delhi on the ground of settlement between the parties dated 23<sup>rd</sup> January, 2024 which is on record of this Court.
2. The complainant, Microsoft Corporation (India) Private Limited alleged that some unknown person in Delhi were misrepresenting, impersonating themselves as authorised agents of Microsoft Corporation to schools and extorting money on false pretexts and threats, damaging goodwill and reputation of Microsoft company.
3. In this regard, pursuant to investigation, it was found that the accused were approaching schools on behalf of Microsoft Corporation (India) Pvt. Ltd



representing themselves as officials of Microsoft and taking money for installation of software which were sometime genuine and sometimes unauthorized.

4. Counsel appears for complainant company states that the accused were one of many educational partners who had been contracted with them to sell their products to educational establishments. However, they exceeded their brief by representing themselves as *Commercial Partner Leader* of Microsoft India and *Engagement Manager* Microsoft India, whereas their brief was limited to the terms and conditions of the educational partnership.

5. The complainant company has now assessed the situation and have resolved the dispute amicably, on the basis of an undertaking being given by the petitioners, which forms part of the settlement, extracted as under:

A. The SECOND PARTY, individually and on behalf of the company, Aaradhya Solution, do hereby affirm, confirm, declare and irrevocably undertake:

- i) That they will never indulge in any activity that causes harm or damage to the reputation and goodwill of Microsoft.
- ii) That they will never, in the future, represent themselves to any schools or anyone that they are associated with Microsoft or is authorised to provide technical support services unless duly authorised to do so by Microsoft.
- iii) That they will never make any unsolicited calls to schools or anyone in India or abroad representing themselves to be employed by or authorised by Microsoft.
- iv) That they will remove all advertisements, websites etc. if any, that refer to them as being the authorised representative of Microsoft or providing technical support for Microsoft.

6. Further, the petitioners have paid an amount of Rs. 4 lakhs *vide* DD No. 556271 drawn on Kotak Bank which has been received by Mr. Amod Singh,



the counsel for Microsoft company in Court.

7. As per the status report, there were two schools being Bharat Public High School, Kaithal Haryana and Holy Wisdom Convent School, Near Kamboj Pertoleum, Lahli, Ratia, Distt. Fatehabad, Haryana, which had transferred Rs. 17,641/- and Rs. 27,202/- respectively to the petitioners/accused. They have also given their no objection by means of an affidavit. These no objection affidavits are signed by the principal and owner of these schools respectively. The third school, which is mentioned in the status report, is Virendra Public School, with which there was no commercial transaction.

8. APP for State raises an objection to the petition on the basis that the forged letters were being sent to various schools on behalf of Microsoft Corporation and that monies were being taken on the basis of misrepresentation.

9. The investigation has not revealed any other aggrieved party and two schools have already given their no objection, as well as complainant Microsoft Corporation, who had engaged the petitioners as educational partners. They too have settled the matter, which arises essentially out of the petitioners exceeding their plea and misrepresenting themselves as officers of the Microsoft Corporation.

10. Keeping in mind the peculiar facts and circumstances of the case and that the authorized representatives of the complainant is also present before this Court and states that they have fully considered the issue internally and will also take steps in the future to ensure that members of the public are not duped by their educational partners, the FIR is quashed.



11. Mr. Abhinav Jain, who is the proprietor of *Aaradhaya Infosolutions* located at Sector 8 Rohini, who is present in Court shall deposit cost of Rs. 50,000/- to Delhi High Court Bar Clerks Association, Delhi within a period of two weeks. An affidavit of compliance may be placed within two weeks thereafter.

12. Petitioner no.1-6 are present in Court and are duly identified by the counsel. The authorised representative Mr. Sandeep Arora is present through VC and is duly identified by the IO.

13. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR No. 80/2019 under Sections 384,385,420, 467, 468, 471, 120B & 34 IPC registered at PS Crime Branch and proceedings emanating therefrom are quashed.

14. Parties shall abide by the terms of settlement.

15. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

16. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**AUGUST 28, 2024/RK**

*Click here to check corrigendum, if any*