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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2367/2019 & CRL.M.A. 9395/2019**

CONNAUGHT PLAZA RESTAURANTS PVT. LTD. &
ORSPetitioners

Through: Mr. Rahul Sagar Sahay,
Mr. Raghav Rajmallani
Advs. with Mr. Abhishak
Sharma, AR of P-1, P-2
Mr. Vikram Bakshi
through V.C & P-3 Ms.
Madhurima Bakshi
through V.C.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Rahul Kumar, PS New
Friends Colony.
Mr. Somesh Arora, Adv.
for R-2 to 5 / complainant
through V.C.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
11.09.2024

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1. The present petition is filed seeking quashing of FIR No. 90/2016 dated 10.03.2016, for offences under Sections 420/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station New Friends Colony, including all consequential proceedings arising therefrom. The said FIR was registered on a complaint filed by Respondent No. 2.
 2. The FIR was registered pursuant to dispute in regard to the business/Sale Agreement which took place between the parties for the property bearing no. A-1, situated at Community Centre, New Friends Colony, Delhi. It is alleged that as per the terms

CRL.M.C. 2367/2019

Page 1 of 3



and conditions of the said agreement, Petitioner No.1/licensee was under an obligation to pay commission to Respondent Nos. 3-5/licensors. It is further alleged that during the course of time Petitioner No.1 sub-licensed part of the said premises to two private banks namely Axis Bank and Royal Bank of Scotland which led to disputes between the parties.

3. The learned counsel for the petitioners submits that the dispute was essentially commercial and civil in nature. However, the FIR was registered alleging wrongful gain from the premises which was given by the complainants to the petitioners on licence.

4. The present petition is filed on the ground that the matter is amicably settled between the parties by way of a Settlement Agreement dated 31.10.2018, with the intervention of respectable members of the society, on their own free will, without any fear, force, coercion, or undue influence. Entire settlement amount of ₹1,41,88,473/- (Rupees One Crore Forty One Lakhs Eighty Eight Thousand Four Hundred Seventy Three Only) has already paid in equal proportions to Respondent Nos. 3-5.

5. Authorized Representative of Petitioner Nos. 1 & 2 Mr. Vikram Bakshi and Petitioner No.3 Ms. Madhurima Bakshi have appeared through V.C and have been duly identified by the Investigating Officer. Mr. Somesh Arora, Advocate for Respondent Nos.2 to 5 / complainants has also appeared through V.C.

6. The learned counsel for the complainant submits that the parties have settled all their disputes and entered into settlement agreement dated 31.10.2018. He submits that pursuant to the settlement, the entire settlement amount has already been



received by the complainant and the complainant does not wish to pursue any proceedings arising out of the present FIR.

7. Offences under Sections 420/406 of the IPC are compoundable in nature.

8. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

9. However, keeping in mind the fact that the FIR was registered way back in the year 2016 and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost.

10. In view of the above, FIR No. 90/2016 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹30,000/- by the petitioners, out of which ₹10,000 to be deposited with the Delhi Police Welfare Society, ₹10,000/- to be deposited New Delhi Bar Association, Patiala House Court and ₹10,000/- with the Delhi Bar Association, Tis Hazari Court within a period of twelve weeks from date.

11. Let the proof of deposit of cost be submitted with the concerned IO/SHO.

12. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 11, 2024

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