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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2597/2022 & CRL.M.A. 10849/2022, 11386/2022,
13590/2022, 13591/2022, 10335/2023
DR.VIJAY KANT DIXIT AND ANR. Petitioners
Through: Ms.Kamal Naini Dixit, Adv.

versus

GOVT.OF NCT OF DELHI AND ORS. Respondents
Through: Mr.Aman Usman, APP with
SI Manish Kumar.
Mr.Anurag Ojha, Mr.Saranjit
Singh Bhalla, Mr.Deepak
Somani, Mr.Subham Kumar,
Advs. for R-5 to 16 and 18.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
14.05.2024

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1. This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR no. 27/2020 registered at Police Station – Economic Offences Wing Mandir Marg, under Sections 409/420/120B of the Indian Penal Code, 1860, on basis of a settlement.
2. By the order dated 05.07.2022 of this court, the petitioners had undertaken to deposit the amount due to the respondent nos.5 to 16 and 18 as per the terms of the Memorandum of Understanding dated 22.11.2021, with the Registrar General of this Court in the names of the said respondents. The said amount was to be deposited in the form of FDRs and the same were directed to be kept in an auto renewal mode till further orders of this Court.



3. The learned counsel for the said respondents, complaining that the said amount had not been deposited in their name, but in the name of the daughter of the petitioner, have filed a petition seeking initiation of contempt proceedings against the petitioner by way of CONT CAS(C) 878/2022 titled ***Dhirendra Nath and Ors v. Dr. Vijay Kant Dixit and Anr.***

4. On 18.07.2022, a submission was made on behalf of the petitioners that the sixteen FDRs, though they were in the name of the daughter of the petitioner, would be pledged to the respondents. The learned Joint Registrar (Judicial) observed that this was not in terms of the order dated 05.07.2022, and therefore, placed the matter before the Court for clarification.

5. On 06.01.2023, this Court had issued notice on an application filed by the petitioners seeking clarification / modification of the order dated 05.07.2022.

6. From the above, it is apparent that the petitioners did not comply with the order dated 05.07.2022 in its letter and spirit.

7. The learned counsel for the respondents submits that in view thereof, the settlement arrived at between the parties has broken down, and, infact, the petitioners are in contempt.

8. In my view, as this petition has been filed seeking quashing of FIR on the basis of a settlement arrived at between the petitioners and some of the respondents, and these respondents are now stating that the terms of the settlement have been breached by the petitioners and therefore, they are no longer bound by the same, this Court cannot quash the FIR in question only on the basis of the purported



settlement. Whether the petitioners or the respondents have breached the terms of the settlement are questions which would have to be determined in an appropriate forum and at an appropriate stage.

9. For the reasons stated hereinabove, I find no merit in the present petition. The same is dismissed. This, however, is not to be construed as an expression on merit of the allegations made in the FIR.

10. All the pending applications are also disposed of having become infructuous.

11. It is also directed that the FDRs deposited by the petitioners and lying with the Registry of this Court, be returned back to the petitioners.

NAVIN CHAWLA, J

MAY 14, 2024
RN/am

Click here to check corrigendum, if any