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

+ **CRL.M.C. 3664/2024**

SATYENDRA SINGH RATHORE & ANR. Petitioners

Through: Mr K. K. Manan, Sr. Advocate with
Mrs Nishi Manan, Mr Karmanya
Singh choudhary and Ms Udit Bali,
Advocates along with petitioners in
person.

versus

**STATE THROUGH SHO PS OKHLA INDUSTRIAL
AREA DELHI & ANR. Respondents**

Through: Mr Hitesh Vali, APP for the State
with SI Ashish Kumar, PS Okhla
Industrial Area.
Mr Sudhir Shokeen, Mr Rajesh
Kumar, Mr Vipin Solanki and Mr
Mukesh Kumar, Advocates for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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07.05.2024

CRL.M.A. 14037/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3664/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0112/2024 under Sections 420/406/34 IPC registered at Police Station Okhla Industrial Area and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice.

4. The petitioners, as well as, respondent no. 2 are present in the Court



and they have been identified by their respective counsel and by the Investigating Officer SI Ashish Kumar, PS Okhla Industrial Area.

5. The brief facts of the case are that the FIR was registered on 13.02.2024 at the instance of Mr Sunil Kumar, director of M/s Shivom Trexim Pvt. Ltd. against the present petitioners Satyendra Singh Rathore and Saurabh Arora of HMD Mobile India Pvt. Ltd. with the allegations of misappropriation of funds, cheating and fraud.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Deed of Settlement dated 22.03.2024, a copy of which is annexed as Annexure-C to the present petition.

7. It is recorded in the aforesaid settlement that the parties have arrived at an amicable settlement and the petitioner has agreed to pay an amount of Rs.1,56,97,280/- to the respondent no.2.

8. It is also a term of the settlement that the respondent no.2 shall return 9093 unactivated, as well as, activated mobile handsets to the petitioners.

9. Learned counsel for the parties submits that all the terms of the agreement have been complied with except that out of 9093 remaining 93 handsets shall be returned by the respondents to the petitioners during course of the day against receipt in writing.

10. Similarly, the remaining amount of Rs.8,00,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.164590 dated 25.04.2024 issued by HDFC Bank.

11. The receipt of entire amount of Rs. 1,56,97,280/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that he has no



objection in case the FIR is quashed.

13. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

14. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

15. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

16. Consequently, the petition is allowed and the FIR No.0112/2024 under Sections 420/406/34 IPC registered at Police Station Okhla Industrial Area alongwith all other proceedings emanating therefrom, is quashed.

17. The petition stands disposed of in the above terms.

18. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 7, 2024/MK