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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3345/2022 & CRL.M.A. 14068/2022**
M/S ANIL ENTERPRISES THROUGH PROPRIETOR ANIL
GUPTA & ORS. Petitioners

Through: Mr.Anil Gupta, petitioner no. 2
in person

versus

THE STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Shoaib Haider, APP with
SI Varun.
Ms.Seema Gupta, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

15.05.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR no.165/2019, registered at Police Station: Hauz Qazi, for offence under Sections 406/415/420/34 of the Indian Penal Code (in short 'IPC') on a complaint filed by the respondent no.2.
2. The petitioners claim that with the execution of 'One Time Settlement' (OTS) dated 06.01.2021, no useful purpose would be served with the prosecution of the present FIR, as the parties have already settled their *inter se* disputes.
3. The learned counsel for the respondent no.2, on the other hand, draws my attention to the terms and conditions of the OTS as recorded in the letter dated 06.01.2021, in which one of the conditions is as under:



*“4. Bank to continue legal course of action/
FIR proceedings with Police etc. against the
borrower/mortgagor.”*

4. The said express stipulation that the acceptance of the OTS by the respondent no.2 would not in any manner prejudice its rights to continue with the legal course of action including FIR, shows that the respondent no.2 never intended the OTS to be a full and final settlement of all its claims/complaints. The FIR therefore, cannot be quashed merely on the basis of an OTS/settlement having been arrived at.
5. I, therefore, find no merit in the present petition. The same is accordingly, dismissed.

NAVIN CHAWLA, J

MAY 15, 2024
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Click here to check corrigendum, if any