



\$~58

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1515/2024**
NIGAM GUPTA

.....Petitioner

Through: Mr. Kamal Katyan, Mr. Rajesh
Nirwan, Advs.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondent

Through: Ms. Rupali Bandhopadhy, ASC with
Mr. Abhijeet Kumar, Advs.
SI Vikrant, PS Kalkaji
Mr. Sunil Anand, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

11.12.2024

%

1. This is a writ petition seeking quashing of the FIR No. 558/2019 dated 23.10.2019 registered at PS Kalkaji under Sections 174A of IPC.
2. The FIR was registered at the instance of learned MM, Saket Court as the petitioner had failed to appear on 03.10.2019 despite Section 82 C.r.P.C. proceedings in CC No. 620128/16 titled as '*Pulmocare Consultants vs. Nigam Gupta*'.
3. Thereafter, the petitioner was declared proclaimed offender but was granted interim anticipatory bail on 11.03.2022.
4. It is stated by Mr. Katyan, learned counsel for the petitioner that on 03.10.2024, the petitioner could not appear as he had met with an accident and broke his leg.
5. In the meanwhile, the petitioner settled the matter with the respondent



No.2 and paid a sum of Rs. 14 lakhs. In view of the said settlement, the respondent no. 2 has already withdrawn the complaint on 06.09.2022 in CC No. 620128/16 titled as '*Pulmocare Consultants vs. Nigam Gupta*'.

6. Subsequently, the petitioner was travelling, which was duly informed to the IO. The petitioner was available and also was in touch with the IO during the said time.
7. The petitioner is present through video conferencing mode and has been identified by Mr. Kamal Katyan, learned counsel.
8. The respondent No.2 is also present through video conferencing mode and has been identified by SI Vikrant, PS Kalkaji.
9. I am of the view that the FIR was registered since the petitioner did not appear in the proceedings under section 138 of the NI Act, 1881 and the purpose of the proceedings under section 82 of Cr.PC was only to ensure the presence of the petitioner before the court.
10. The petitioner has already paid the entire amount to the respondent no.2, i.e. the complainant under section 138 of the NI Act, 1881, and the subject matter of the dispute stands settled.
11. Mr. Anand, learned counsel for the respondent No.2 states that the complaint has been settled and he has no surviving cause of action against the petitioner.
12. Since the petitioner and respondent no. 2 have arrived at a settlement and the complaint, i.e. CC No. 620128/16, itself is closed, the purpose of proceedings under section 174A IPC no longer survives. This court does not see any fruitful purpose if the present criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In



this view of the matter, there is no reason to continue the proceedings.

13. However, I am of the view that considerable time of the police and considerable judicial time has been wasted. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. Hence, the petitioner must pay costs.
14. Subject to the petitioner depositing costs of Rs. 20,000/- with the Delhi High Court Bar Association within 8 weeks from today, the FIR No. 558/2019 dated 23.10.2019 registered at PS Kalkaji under Sections 174A of IPC and all consequential proceedings emanating therefrom are hereby quashed.
15. The proof of payment will be filed within 10 weeks, failing which, the file will be put up before the Court by the Registry.
16. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

DECEMBER 11, 2024 / (MS)

Click here to check corrigendum, if any