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

+ **CRL.M.C. 3554/2022**

TDI INFRASTRUCTURE LTD. & ORS.

.....Petitioners

Through: Ms. Roohe Hina Dua, Mr. Kamal
Rathi, Mr. Randeep Sachdeva, Ms.
Shreya Arora, Ms. Dhanakshi Gandhi,
Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Aman Usman, APP for the State
with Mr. Nikhil Malhotra, Mr.
Pushkar Khatana, Mr. Jatin Raheja,
Mr. Vishal Tanvar, Advocates.
Mr. Mukesh Kumar, Mr. Manorath
Rathi, Ms. Vijay Laxmi Rathi,
Advocates for R-4.
SI Arvind, Sec-7, PS EOW

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

24.07.2024

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1. The Petitioner has approached this Court for quashing FIR No.24/2019 dated 25.02.2019 registered at Police Station Barakhamba Road for offences under Section 406, 420 & 120B IPC.
2. The present petition has been filed on the ground that a settlement has been arrived at between the Petitioners and Respondents No.3, 4 and 6. This Court *vide* Order dated 01.08.2022 stated at that time that settlement talks were still on with Respondent No.5.
3. Later on, *vide* Order dated 09.11.2022, a Statement of Claim was filed



by Authorized Representative of Respondent No.5 and Respondent No.6 that they have no objection in the quashing of the present FIR.

4. On 17.11.2022, this Court passed the following order:-

“1.0. Ld. counsel appearing on behalf of the respondents no. 3 and 4 objects to quashing of the FIR in the matter. He submits that though the settlement amount of Rs. 61 lacs has been paid to the respondents, but a penalty of Rs. 21 lacs has been imposed upon them.

2.0. Same is disputed by the ld. counsel for the petitioner. She submits that submissions made/penalty imposed are/is with respect to the another property and do not relate to the present FIR. She submits that the respondents no. 3 and 4 are now backing out from the settlement after receiving the entire amount as per the settlement.

3.0. AR of the respondent no. 5 and the respondent no. 6 submit that they have no objection to quashing of the FIR.

4.0. At this stage, ld. counsel for the respondents no. 3 and 4 requests that copy of the petition be supplied to him.

5.0. Ld. counsel for the petitioner undertakes to supply the same today itself.

6.0. List on 07.12.2022.”

5. A perusal of the said order shows that Respondent No.3 to 6 have settled with the Petitioners on various stages. The settlement entered into between the Petitioners and Respondent No.3 to 6 has been placed on record. Respondents No.3 and 4, however, stated that certain further



disputes have arisen between the parties and therefore they were not prepared to go ahead with the compromise.

6. The Petitioner herein is a builder and the Respondents No.3 to 6 are homebuyers. The dispute primarily is centered upon delay in possession of flats to the Respondents. It is stated that the disputes now stand settled.

7. Any grievance by any of the Respondents regarding any of the disputes would be subject matter of different proceedings which can be initiated by the Respondents, if so advised in accordance with law and they do not pertain to the present dispute, quashing of which is being sought for in the present case.

8. In view of the above, this Court is inclined to quash instant FIR and the proceedings emanating therefrom. Resultantly, FIR No.24/2019 dated 25.02.2019 registered at Police Station Barakhamba Road for offences under Section 406, 420 & 120B IPC and the proceedings emanating therefrom are hereby quashed.

9. Needless to state that it is always open for the Respondents to raise any other dispute not covered in the present FIR in accordance with law.

10. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 24, 2024

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