



\$~41

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

+ **W.P.(CRL) 1886/2020**

AMIT PAL & ANR.

..... Petitioners

Through: Mr. Vishnu Dutt Sharma, Mr. Sachin Dev Sharma, Advs. with petitioners in person.

versus

STATE OF DELHI & ANR.

..... Respondents

Through: Mr. Amol Sinha, ASC (CrI.) for the State with Ms. Chavi, Adv. alongwith Insp. N.K. Singh, P.S. EOW. Sudhir Sadana, Erstwhile Director of the complainant company in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
30.04.2024

%

1. The present petition filed under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of the FIR No. 687/2015, under Sections 420/120B/34 IPC, registered at P.S. Vikas Puri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Anu Agarwal, learned Chief Metropolitan Magistrate (South West), Dwarka Courts, New Delhi.
2. Learned counsel appearing on behalf of the petitioners submits that during the pendency of the investigation in the present FIR, the parties have settled their dispute *vide* MOU dated 21.12.2019 and in pursuance of the same, the complainant has received back its funds, as mentioned in the FIR. It is further recorded in the said MOU that the complainant would cooperate



with the petitioners seeking quashing of the aforesaid FIR. The attention of this Court was drawn to order dated 11.09.2020 passed by learned Trial Court while granting bail to petitioner no.2 wherein it has been recorded as under:-

“Today, additional reply was filed by the 10 stating that in compliance of order dated 28.08.2020 Sh. Mohit Dholia Director of the complainant company was examined. He revealed that complainant company has compromised with both the accused persons vide MOU dt. 21.12.2019 and company would support the quashing of FIR in Hon'ble High Court of Delhi. Sh. Vijay Prasad Gupta, other Director of the complainant company signed the MOU on behalf of complainant company.

It is clear from the reply of the 10 that settlement has already been arrived at between the parties vide MOU dt. 21.12.2020. The complainant company has already received the cheated amount and parties are ready to go for quashing. Considering the same, no fruitful purpose will be served by keeping the applicant/accused in custody. Therefore, considering the facts and circumstances of the case, applicant/accused Neeraj is admitted to bail on furnishing personal bond in the sum of Rs.30,000/- with one surety of the like amount.”

3. Status report dated 30.04.2024 authored by Insp. N.K. Singh, EOW has been handed up and taken on record wherein it has been recorded as under:-

“1. In compliance to the order dated 07.03.2024 passed by this Hon'ble Court, the notices were issued to the director/complainant in this case namely Mr. Sudhir Sadana C/o M/s Silver Jubilee Tradeexim Pvt Ltd R/O A-2, 231, Sector08, Rohini, Delhi who informed that he resigned from the company but he is well aware about the Memorandum of Understanding/settlement dated 21.12.2019 between the complainant company and the accused persons/present petitioners.

2. Further, notice also issued to Mr. Vijay Prasad R/o 3/2, Naglia Vihar, Baprola, Delhi-43 who executed the MOU on behalf of the complainant company but his address was found locked and therefore he was contacted on his mobile number 7428603240 but his number is not in use. The notice was sent on his email id mentioned on MOU/Settlement



i.e.guptavijayprasad63@gmail.com, he was also requested to contact the undersigned but till date he has not contacted or sent any reply.

3. The MCA site of ROC was also checked online wherein notice issued to the present director Shri Manish Verma C/o 206, 2ndFloor, Plot No. 24, Vardhman Charve Plaza, Pitampura, Delhi,WZ-49J, office No.6, Budhella Opposite DG-02, VikasPuri,Delhi-18 and at the registered office of complainant company atShop No. 104, RAR Arihant Tower, Community Center, B-1,Block, Janak Puri, Delhi-58 but no person with the name Mr.Manish Verma could not be traced at the above addresses.

4. At the registered address of the complainant company i.e. Shop -No. 104, RAR Arihant Tower, Community Center, B-1, Block,Janak Puri, Delhi-58, this office was found locked but during local enquiry mobile number of owner of this office contact telephonically who informed (Mr. Amit Sharma-9871178218)that he do not know Mr. Manish Verma and he never rented his property to the complainant company. The notice was also sent to Mr. Manish Verma on his email I.D. shahnarad147@gmail.comaandsilverjubilee041@gmail.com to and he was informed through email to contact the undersigned on mobile phone but till date no reply

5. Further undersigned is ready to abide by any direction passed by this Hon'ble court in this matter.”

4. Mr. Sudhir Sadana, who was the erstwhile director of the complainant company and also shown as a complainant in the present FIR, is present in Court, and identified by the Investigating Officer Insp. N.K. Singh, P.S. EOW.

5. The complainant/respondent No.2 confirms the fact that MOU had been entered between the parties and that the entire subject amount of the FIR has been refunded.

6. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

7. In Gian Singh v. State of Punjab, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes



by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 687/2015, under Sections 420/120B/34 IPC, registered at P.S. Vikas Puri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Anu Agarwal, learned Chief Metropolitan Magistrate (South West), Dwarka Courts, New Delhi.

9. In the interest of justice, the petition is allowed, and the FIR No. 687/2015, under Sections 420/120B/34 IPC, registered at P.S. Vikas Puri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Anu Agarwal, learned Chief Metropolitan Magistrate (South West), Dwarka Courts, New Delhi, is hereby quashed.

10. Petition is allowed and disposed of accordingly.

11. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 30, 2024/nk

Click here to check corrigendum, if any