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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3768/2019 & CRL.M.A. 32605/2019**

M/S VALCO MELTON INDIA & ORSPetitioners

Through: Mr. Varun Goswami, Mr.
Sahil Agarwal, Mr.
Naveen Grover & Mr.
Hritik Chaudhary, Advs.
petitioner through V.C.

versus

THE STATE & ORSRespondents

Through: Mr. Naresh Kumar
Chahar, APP for the State
with SI Sachin Kumar, PS
Amar Colony.
Mr. Vinod Khanna, Mr.
Rishab Manchandra, Adv.
& Ms. Ashu Gupta
Liquidator/ R-2.

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+ **CRL.M.C. 3775/2019 & CRL.M.A. 32619/2019**

PRASHANT GAIKWAD & ANRPetitioners

Through: Mr. Varun Goswami, Mr.
Sahil Agarwal, Mr.
Naveen Grover & Mr.
Hritik Chaudhary, Advs.
Along with P-2 in person.
P-1 through V.C.

versus

THE STATE & ANRRespondents

Through: Mr. Naresh Kumar
Chahar, APP for the State
with SI Sachin Kumar, PS
Amar Colony.
Mr. Vinod Khanna, Mr.
Rishab Manchandra & Ms.
Ashu Gupta Liquidator,
Advs. for R-2.



**CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER
08.10.2024**

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1. The present petitions are filed seeking quashing of FIR No. 233/2016 dated 07.04.2016, registered at Police Station Amar Colony, for offences under Sections 406/420/120B of the Indian Penal Code, 1860 ('IPC'), including all consequential proceedings arising therefrom.

4. The complaint was filed by Respondent No. 2/complainant under Section 156(3) of the Code of Criminal Procedure, 1973 ('CrPC') seeking registration of FIR. The learned MM *vide* order dated 05.04.2016 allowed the application filed by Respondent No. 2 which led to the registration of the subject FIR.

5. It is alleged that the complainant approached Petitioner No. 1 in CRL.M.C. 3768/2019 through its local office in India for the purchase of Hot Melt Adhesive Coating System with PS Printing Press and paid a sum of EUR 30600. It is alleged that thereafter Petitioner No. 1 failed to supply the said machine and that they also sent the same to ICE Europe for exhibition without the consent of the complainant. It is alleged that the machine was supplied after three months. It is further alleged that an amount was charged for the mounting of the machine; however, due to mismatch of platform, the same could not be installed.

6. It is further alleged that in April, 2014 the technicians of the Petitioner No. 1 company visited the complainant to solve the issue but the machine remained non-functional. It is the case of the complainant that even after taking a sum of ₹2,95,00,000/- from the complainant against the cost of the machine and other

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charges, the said machine remains non-functional. Petitioner Nos. 1-2 in CRL.M.C. 3775/2019 are the employees of Petitioner No. 1 in CRL.M.C. 3768/2019.

7. The present petitions are filed on the ground that the matter has been amicably settled amongst the parties before the Delhi High Court Mediation and Conciliation Centre and that they have also entered into a Settlement Agreement on 30.09.2024, of their own free will, without any coercion, pressure or misrepresentation.

8. The learned counsels for the parties' submit that with the intervention of the Delhi High Court Mediation and Conciliation Centre, the parties have settled their disputes. It was agreed between the parties that the petitioners would pay a sum of ₹15,00,000/- towards full and final settlement of all the claims of the complainant. A demand draft of ₹15,00,000/- bearing No.513011 dated 03.10.2024 drawn on ICICI Bank has been handed over to the Official Liquidator Ms. Ashu Gupta, who has been appointed to manage the affairs of the complainant company.

9. The mediation settlement records that on receiving of the ₹15,00,000/-, the complainant would have no objection if the proceedings arising out of the present FIR are quashed.

10. Respondent No.2/Official Liquidator and the Petitioner No. 2 in CRL.M.C 3775/2019 are present in person in Court. Petitioner No. 1 in CRL.M.C. 3768/2019 and Petitioner No. 1 in CRL.M.C 3775/2019 are present through video conference. The parties have been duly identified by the Investigating Officer.

11. Respondent No.2/Official Liquidator, on being asked, states that she has no remaining grievance against the accused persons. She states that she does not wish to pursue the
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proceedings arising out of the present FIR, and has no objection if the proceedings are quashed.

12. Offences under Sections 406/420 of the IPC are compoundable in nature.

13. It is stated that the dispute between the parties was essentially commercial in nature. Respondent No. 2/Official Liquidator has also stated before this Court that she does not wish to pursue the present matter and has no objection if the proceedings emanating from the subject FIR are quashed.

14. Keeping in view the nature of the dispute and that the parties have amicably entered a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 482 of CrPC.

15. In view of the above, FIR No. 233/2016 and all consequential proceedings arising therefrom are quashed against the petitioners.

16. The present petitions are allowed in the aforesaid terms.

17. A copy of the order be placed in both the matters.

AMIT MAHAJAN, J

OCTOBER 8, 2024

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