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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4222/2022**
PRASHANT DWIVEDI & ANR.

..... Petitioners

Through: Mr.Raman Gandhi, Adv.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Ankur Sharma, PS BK Road.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

03.04.2024

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CRL.M.A. 10079/2024

1. This application has been filed on behalf of the petitioners praying for an early hearing of the petition.
2. With the consent of the parties, the matter is taken up for hearing today itself.
3. The next date of hearing shall stand cancelled.

CRL.M.C. 4222/2022

4. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 19/2020 registered at Police Station: Barakhamba Road, New Delhi District, Delhi under Section 174A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.
5. It is the case of the petitioners that the above FIR resulted from



the non-appearance of the petitioners in a complaint filed by respondent no.2 under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') being Complaint Case No. 13456/2017 titled ***Planetcast Media Services Ltd. v. Softline Media Limited & Ors.*** and pursuant to the Order dated 07.03.2020 of the learned Metropolitan Magistrate-04 (NI Act), New Delhi District, Patiala House Courts, New Delhi.

6. It is stated that the process under Section 82 of the Cr.P.C. was sought to be served on the petitioners at the wrong address where the company was earlier situated and had closed long back. It is further stated that the petitioners were merely employees of the said company. It is further stated that since then, the company has paid the amount in dispute to respondent no.2 and the dispute with respondent no.2 has now been settled.

7. It is noted that the representative from the respondent no.2 appeared before this Court on 19.09.2022 and confirmed that all the complaints filed by them under Section 138 of the NI Act against the petitioners have been compromised, and a total sum of Rs. 65 lakhs has been paid to them.

8. Though the FIR has been registered under Section 174A of the IPC, as it is emanating from the non-appearance of the petitioners in proceedings under Section 138 of the NI Act, which were otherwise bailable in nature and those proceedings have already been settled, in my opinion, no useful purpose will be served in continuing with these proceedings in the present FIR. Without entering into the controversy whether the petitioners have been duly served for the proceedings



under Section 82 of the Cr.P.C. or not, the learned counsel for the petitioner undertakes that the petitioners shall deposit costs of Rs. 25,000/- each, jointly or severally, with Blind Relief Association, Delhi, State Bank of India, IOC Branch, Lodhi Road, New Delhi, Account No.30003044419, IFS Code: SBIN0006564 within a period of four weeks from today and file proof of such deposit with the Registry of this Court and also supply a copy thereof to the IO, within the said period.

9. Guided by the principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641; and, *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

10. Accordingly, the petition is allowed. FIR No. 19/2020 registered at Police Station: Barakhamba Road, New Delhi District, Delhi under Section 174A of the IPC, and all consequential proceedings emanating therefrom against the petitioners are quashed.

NAVIN CHAWLA, J

APRIL 3, 2024/rv/AS

[Click here to check corrigendum, if any](#)