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

+ **CRL.M.C. 2558/2020 & CRL.M.A. 18126/2020**

SUNIL CHAUDHARY

..... Petitioner

Through: Mr. Mohit Mathur, Senior Advocate
with Mr. Mayank Wadhwa, Mr.
Harsh & Ms. Muskan Gupta,
Advocates.

versus

STATE & ORS.

..... Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State.
Inspector Sanjay Kumar, EOW.
Mr. Kapil Sankhla, Mr. Akhilesh
Agarwal, Mr. Gopesh Jindal & Mr.
Hanish, Advocates.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

09.01.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the petitioner praying for quashing of FIR bearing No. 0200 dated 17.11.2020 registered at Police Station Economic Offence Wing (EOW) for offences punishable under Section 409, 420 and 120B of the Indian Penal Code, 1860 ('IPC').
2. Petitioner is present through video-conferencing and has been identified by his counsel and Investigating Officer (IO) Inspector Sanjay Kumar from Police Station EOW, Delhi.
3. Brief facts of the case are that the petitioner herein was the director in



the respondent no. 3 company. It is stated that respondent no. 3 company got a land admeasuring 14.843 acres in Gurugram, Haryana, and obtained a license deed dated 14.11.2022, from the Director, Town and Country Planning, Haryana. The respondent no. 3 had entered into a collaboration agreement dated 19.07.2012 with respondent nos. 4 and 5 for the purpose of development project at the said land. Respondent no. 3 entered into several agreements with various customers after obtaining all the permissions and sanctions. The total project consisted of a total of 12 towers out of which 5 towers are constructed. It is stated that respondent no. 3 had availed a loan facility agreement with a NBFC and had sought to avail a financial assistance in order to construct the project. The said loan facility arrangement could not be given effect to in total as DHFL faced financial trouble and was subsequently under insolvency proceedings. It is stated that the petitioner resigned from respondent no 3 company and left the management of the company, and was no longer involved in the affairs of the company. In June 2020, the petitioner received enquiry notice from EOW, and joined the investigation before the said authority and submitted all documents as sought for by the said authority. After investigation, the matter was closed at EOW. Thereafter, the petitioner received another enquiry notice from EOW Delhi, seeking the same details as already submitted before the EOW Gurugram. The petitioner had informed both the authorities that the petitioner is not a part of respondent noi. 3 company, and had left the company way back in 2015. In December 2020, after getting to know about the malafide and illegal FIR registered against the petitioner, the latter instituted the instant criminal miscellaneous application, before this Court.

4. On a query made by this Court, the complainant who is present before



this Court in-person states that another complaint of defamation has been allegedly filed by the petitioners Learned counsel for the petitioner however states that in case such a complaint has been filed, the same will stand withdrawn, since the matter stands compromised.

5. In view of the facts of the present case, this Court is of the opinion that no useful purpose will be served by continuing with the proceedings as the parties have amicably resolved their differences out of their own free will, and without any coercion. Rather the same would create further acrimony between them. It would therefore be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

6. Accordingly, FIR bearing no. 0200 dated 17.11.2020 registered at Police Station Economic Offence Wing (EOW) for offences punishable under Section 409, 420 and 120B of the IPC and all consequential proceedings emanating therefrom are quashed.

7. It is also clarified that in case any complaint stands filed from the petitioner's side, the same will be deemed to be withdrawn.

8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2024/at

Click here to check corrigendum, if any