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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(CRL) 2747/2023**  
**MANOJ JAIN AND ORS**

.....Petitioner  
Through: Mr. Ravin Rao, Mr. Pallav Gupta, Mr.  
Akshit Sawal, Mr. Ayan Sharma and  
Mr. Yashasvi Yadav, Advocates.

versus

**THE STATE (GOVT. OF NCT OF DELHI) AND ORS**  
.....Respondent  
Through: Mr Amit Peshwani, Advocate for Ms.  
Nandita Rao, Ld. ASC (Crl.).

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **28.10.2024**

**CRL.M.A. 31446/2024 In W.P.(CRL.) 2747/2023 (under Section 528**  
**BNSS/482 Cr.P.C on behalf of respondent No.2/applicant for Modification**  
**of Order dated 19.09.2024)**

1. An application has been filed on behalf of respondent No.2 for Modification of the Order dated 19.09.2024.
2. It is submitted that the petition under Article 226 read with Section 428 Cr.P.C has been filed for quashing of FIR No.247/2016 dated 02.06.2016 under Section 420/467/468/471/34 Police Station Vivek Vihar (East). During the pendency of the proceedings, the parties arrived at a Settlement dated 07.08.2019 whereby the respondent No.2 Complainant agreed to accept Rs.1 Crore 25 lakhs under the said FIR for full and final



settlement of his claims and also towards the amount that was cheated from him. However, subsequently, the respondent No.2 has refused to accept the terms of the Settlement, even though he had received Rs.1 crore 15 lakhs out of Rs.1 crore 25 lakhs under the Settlement over a period of two years. Since the FIR quashing was predicated on the Settlement dated 07.08.2019 and the respondent No.2 had accepted and acted upon it and even accepted Rs.1 Crore 15 lakhs under the said Agreement.

3. The respondent No.2 having resiled from the Settlement which was for the quashing of FIR, is liable to return any benefit availed by him under the Settlement.

4. Vide the impugned Order dated 19.09.2024 it has been recorded that because the complainant has resiled from the Settlement, he is liable to return the benefit availed by him under the Settlement within 30 days failing which he shall return the amount with interest @ 9% per annum.

5. There is no infirmity in the impugned Order and the present Application is hereby, dismissed.

**NEENA BANSAL KRISHNA, J**

**OCTOBER 28, 2024/va**