



\$~77

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

+ CRL.M.C. 3549/2021, CRL.M.A. 21076/2021, CRL.M.A.
19541/2023

SUKESH GUPTA

.....Petitioner

Through:

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Aashneet Singh, APP

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.11.2024

%

1. This is a petition filed under section 482 Code of Criminal Procedure, 1973 seeking quashing of FIR No. 225/2021, dated 18.11.2021, registered at PS Crime Branch under Sections 380/34 IPC, 1860 and all consequential proceedings emanating therefrom, if any.

2. Briefly stating the facts are that a complaint was lodged by the respondent no. 2 wherein allegation against the petitioner is that certain cheques along with some files belonging to respondent No. 2 were alleged to have been misappropriated by the petitioner. Subsequently, the FIR came to be registered.

3. It is pertinent to mention that the FIR No. 225/2021 came to be registered on the complaint of Mr. Santosh Kumar Bagla (shareholder in respondent no.2) on behalf of the respondent no.2 i.e. M/s Anghaila Housing Pvt. Ltd. In addition, the settlement agreement dated 19.01.2022 is also



executed between Mr. Santosh Kumar Bagla and the petitioner.

4. During the pendency of the proceedings, the settlement talks between the petitioner and the respondent no.2 started from 20.11.2021, and they have entered into an agreement on 19.01.2022, whereby all the disputes between the parties are settled.

5. The petitioner i.e. Mr. Sukesh Gupta is present in Court and is identified by his counsel, namely, Mr. Mudit Jain, Adv.

6. Mr. Santosh Kumar Bagla/respondent no. 2 is also present and is identified by Mr. Kunal Tyagi, Adv. and IO SI Ajay Kumar, PS Crime Branch.

7. Mr. Iyer, learned counsel appearing in CRL.M.A. 19541/2023 states that he represents Ms. Mausumi Bhattacharjee who is the Managing Director of M/s Anghaila Housing Pvt. Ltd. and the FIR was not registered at the instance of the Managing Director. He further states that M/s Anghaila Housing Pvt. Ltd. is also not associated with the settlement agreement dated 19.01.2022. All acts of Mr. Santosh Kumar Bagla are unilateral and without the approval/sanction of the Board of M/s Anghaila Housing Pvt. Ltd. and Mr. Bagla is no way connected with the company.

8. The same is disputed by Mr. Tyagi, learned counsel appearing for Mr. Santosh Kumar Bagla.

9. This Court in quashing proceedings is not required to adjudicate the *interse* disputes between M/s Anghaila Housing Pvt. Ltd. as to who is in control of the affairs of the said company. At this stage, what is relevant is that the FIR was registered on the complaint of Mr. Santosh Kumar Bagla for the disputes subsisting between the petitioner and Mr. Santosh Kumar Bagla and the settlement agreement in the present case is also executed



between the petitioner and Mr. Santosh Kumar Bagla.

10. Since both the parties have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure the ends of justice.

11. This court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.

12. For the reason noted above, FIR No. 225/2021, dated 18.11.2021 registered at PS Crime Branch under Sections 380/34 IPC, 1860 and all consequential proceedings emanating therefrom, if any are hereby quashed.

13. The petition is disposed of accordingly.

JASMEET SINGH, J

NOVEMBER 27, 2024/DM

Click here to check corrigendum, if any