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

+ **CRL.M.C. 6245/2024, CRL.M.A. 23896/2024**

MR NARAYAN CHAKRABORTY & ORS.Petitioners

Through: Mr.Durgesh Gupta, adv. with
petitioner no.1 in person and
petitioners no.2 and 3 (through VC)

versus

STATE (GOVT. OF NCT OF &ANRDELHI) AND ANR

.....Respondents

Through: Ms.Kiran Bairwa, APP for the State
Insp.Gurmail Singh, SHO, Maurice
Nagar
SI Manoj Kumar, PS EOW
Mr.D.Hasija, Avt. With Ms.Prachi
Hasija, Adv. for R-2/Complainant

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

14.10.2024

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1. Present petition has been filed for quashing of case FIR no.0062 dated 11.04.2017 registered under Section 406/420/120B/34 IPC at Economic Offences Wing.
2. The parties state that they have entered into a settlement vide a Memorandum of Understanding dated 02.03.2023 on the following terms and conditions:

That the settlement of the total claim of Rs.3,24,00,000/- of the second party against the first party, the principal amount having been claimed at Rs.2.25,00,000/-, the second party had settled all its claim for an amount of Rs.80 lacs (Rupees Eighty Lacs Only)



as full and final settlement of all its claims.

2. That to settle and pay the said amount of Rs. 1,15,00,000/-, the first party had earlier paid 18 cheques as described in para 2 of the Memorandum of Understanding dated 30th December, 2017. However, the first party has miserably failed to fulfill its obligations. As on date, a principal amount, as settled between the parties, a sum of Rs.43 lacs (Rupees Forty Three Lacs only) still remains due and payable by the first party to the second party.

3. That on the special request of the first party, the second party has given a final chance to the first party and has settled the total amount to be paid now by the first party to the second party as Rs.25 lacs (Rupees Twenty Five Lacs Only). The said amount of Rs.25 lacs is to be paid by the first party to the second party in the following manner:-

(i) Rs.1.50,000/-has been paid in cash today:

(ii) Rs.50,000/-has been paid online on 2nd March. 2023:

(iii) Rs.3.00,000/- has been conveyed vide cheque No. 000036. dated 15-03-2023, favouring Mr. Dalip Sethi, drawn on AU Small Finance Bank, Branch Sector-16, Faridabad:

(iv) Rs.5,00,000/- has been conveyed vide cheque No. 000031 dated 30-06-2023, favouring Mr. Dalip Sethi, drawn on AU Small Finance Bank, Branch Sector-16. Faridabad:

(v) Rs.5,00,000/- has been conveyed vide cheque No. 000032. dated 30-09-2023, favouring Mr. Dalip Sethi, drawn on AU Small Finance Bank, Bratich Sector-16, Faridabad:

(vi) Rs.5,00,000/- has been conveyed vide cheque No. 000033. dated 30-12-2023. favouring Mr. Dalip Sethi, drawn on AU Small Finance Bank, Branch Sector-16, Faridabad: and

(vii) Rs.5.00,000/- has been conveyed vide cheque No. 000034, dated 31-03-2024, favouring Mr. Dalip Sethi, drawn on AU Small Finance Bank. Branch Sector-16, Faridabad.

3. The complainant is present in person and has been identified by the IO. It has been submitted that the matter has been settled voluntarily without any fear, force or coercion and that the entire money has been paid in terms of the settlement.



4. In view of the settlement arrived at between the parties, FIR no.0062 dated 11.04.2017 registered under Section 406/420/120B/34 IPC at Economic Offences Wing and all the other proceedings emanating therefrom is quashed.
5. The petition stands disposed of. The parties are held bound by the settlement.

DINESH KUMAR SHARMA, J

OCTOBER 14, 2024

rb/sm