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

+ **W.P.(CRL) 879/2025**

SH. SANJAY AGGARWAL

.....Petitioner

Through: Mr. Gautam Narayan, Senior Advocate with Mr. Siddharth Bhatli, Mr. Diwakar Lohia, Mr. Anirudh Anand, Ms. Anvesha Jain, Mr. Yogender Singh, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Rahul Tyagi, ASC for State with SI Yogendra Kumar, PS-EOW, Mandir Marg.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

28.03.2025

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CRL.M.A. 8265/2025 (exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 879/2025

1. This is a petition under section 482 of the Code Of Criminal Procedure, 1973 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on behalf of the petitioner, seeking quashing of FIR No. 242/2022, dated 17.06.2022, P.S Safdarjung Enclave under sections 420/ 406/ 120B IPC and all proceedings emanating therefrom on the basis of settlement between the parties.



2. The petitioner, an ex-/suspended director of M/s Celebration City Projects Pvt. Ltd. (CCPPL). The FIR was registered by Respondents No. 2 & 3, who were allottees in the RED Mall project developed by CCPPL. The complainants entered into an agreement with CCPPL on 01.07.2014 for the allotment of Unit No. A-18 (P) in RED Mall, Ghaziabad. The company defaulted in completing the project/construction, obtaining occupancy certificate/completion certificate and handing over the possession of the said unit to respondents No. 2 & 3 and thus thereby caused wrongful loss to them.

3. During the pendency of the case, parties have resolved their discord amicably and the Respondents No. 2 & 3 have settled all their claims, complaints and grievances. It is submitted that respondents have received full and final payment amount of Rs. Rs. 1,80,00,000/- (Rupees One Crore Eighty Lakhs) against their unit number bearing no A-18 (P) measuring 1301 Sq. Ft. Super Area on the Ground Floor in the RED Mall Project. The copy of Demand Drafts dated 10.03.2025 has been placed on record as Annexure D.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

“19.03.2025

Today, statement of respondent no. 2 & 3 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent Nos. 2 & 3 lodged FIR No. 242/2022, under Sections 420/406/120-B IPC, registered at PS Safdarjung Enclave, Delhi which is presently being investigated by Economic Offence Wing, New Delhi, Delhi against the petitioners. The charge-sheet has not been filed till date.

Respondent nos. 2 & 3 stated that they had booked a commercial shop with M/s Celebration City- Projects Pvt. Ltd. in Red Mall Ghaziabad. They were given assurance of assured returns on the premium paid,



however the assured return as per the commitments were not made. Resultantly, they were constrained to lodge the abovesaid FIR.

Now, they have voluntarily and without any pressure or coercion from anyone orally settled all their issues and disputes with the petitioner, who is one of the suspended directors of the abovementioned company without any monetary or any other consideration from the petitioner. They have given their affidavit of NOC for quashing of the abovesaid FIR along with all proceedings emanating therefrom against the petitioner and also in support of the petition filed by the petitioner. Their affidavits are on record at Annexure B commencing from page 39 to 42 bearing their signatures.

They shall fully cooperate in quashing of the abovesaid FIR and raise no claim in future through any civil or criminal litigation with regards to the incident relating to the registration of the present FIR against the petitioner or the abovesaid Company namely M/s Celebration City Projects Pvt. Ltd. Respondent no. 2 has been identified by his counsel.

Respondent no. 2 & 3 has been identified by their counsel

This pre verified report along with the petition may be placed before the Hon'ble Court on 28th March, 2025 alongwith the statements recorded today.

6. Petitioner is physically present before the Court, while respondent No. 2/ Dr. Deepak Chaudhary and respondent No. 3/ Dr. Neena Chaudhary appeared through video conferencing. They have been identified by their respective counsels as well as by the Investigating Officer Yogendra Kumar from PS Safdarjung Enclave.
7. Respondents states that the matter has been settled with the petitioner and they has no objection if the FIR is quashed against the petitioner. Respondents have placed on record their affidavits in this regard. The copies of such affidavits dated 10.03.2025 are placed on record as Annexure-B (Colly).
8. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR is quashed.
9. In *Gian Singh vs State of Punjab (2012) 10 SCC 303*, Hon'ble



Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

10. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 242/2022, dated 17.06.2022, P.S Safdarjung Enclave under sections 420/ 406/ 120B IPC and all the other consequential proceeding emanating therefrom.

11. In the interest of justice, the petition is allowed, and the FIR No. 242/2022, dated 17.06.2022 under sections 420/ 406/ 120B IPC, registered as PS Safdarjung Enclave and all the other consequential proceeding emanating therefrom is hereby quashed.

12. Petition is allowed and disposed of accordingly.

13. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J.

MARCH 28, 2025

RM/r/f