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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2446/2025**

ABHISHEK GOYAT & ORS.

.....Petitioners

Through: Mr.Mohd. Faris and Mohd. Sufiyan,
Advocates with petitioners in person
through VC

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms.Richa Dhawan, APP for State
with Inspector Surendra Sharma, PS
DIU/Shahdara.
Authorised Representative of
Respondents No.2&3 companies
through VC along with Respondent
No.4 in person through VC.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **10.09.2025**

Crl.M.A. No. 10939/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

Crl.M.C. No. 2446/2025 & Crl. M.A. No. 10938/2025

1. Petitioners herein seek quashing of an FIR No. 227/2024 dated 06.04.2024 for the alleged offences under Sections 406/420/468/471 & 120B of the IPC, registered at police station Vivek Vihar on the basis of a compromise between the parties.
2. Per the FIR, Respondent No.4/Complainant, a shareholder and erstwhile director of M/s Implex Infrastructure Pvt.Ltd (Respondent No.2),



and M/s SRB Estates Pvt.Ltd (Respondent No.3), alleged that Petitioner No.1 (Managing Director & CEO of M/s Antriksh Build Homes Pvt. Ltd.), Petitioner No.2 (Executive Director & COO of the same company), Petitioner No.3 (ex-director in the respondent companies), along with Petitioner No.4 were involved in defrauding M/s Implex Infrastructure Pvt. Ltd. (Respondent No.2) and M/s SRB Estates Pvt. Ltd. (Respondent No.3) by inducing them to assign development rights for a Noida real estate project.

3. Learned counsel for the petitioners submit that the dispute arose due to serious misunderstanding *qua* a commercial transaction between the parties, however, the Petitioners and the Respondents, have now amicably settled the matter *vide* Settlement agreement dated 30.09.2024.

3.1 Learned Counsel further submits that the dispute is purely civil and contractual in nature, which arose due to serious misunderstanding between the parties with respect to profit sharing and financial auditing.

3.2 Learned counsel further submits that sections 406 and 420 are anti-thesis and cannot be invoked together in the same transaction. Even on bare perusal of the complaint the offences under Sections 406 and 420 of IPC are not attracted. There is no material to charge the petitioners with the same as it was just civil dispute between the partners in company.

3.3 Learned Counsel further submits that, even otherwise, the complaint was filed after unexplained delay of 3 years, which casts serious doubts on the veracity and genuineness of the allegations.

3.4 Learned counsel submits that keeping in view the compromise between the parties, further continuation of the proceedings would be a futile exercise and an abuse of the process of law. Thus to secure the ends of



justice, the FIR in question and the proceedings arising therefrom be quashed.

4. The learned APP for the State in the petition, under instructions concur with the factum of compromise between the parties and the same has been duly verified, she informs.

5. In the aforesaid backdrop, I have heard learned counsels for the parties and have perused the case file.

6. On a query put to the private respondents, who have joined through video conferencing, they candidly submit that they have arrived at a mutual settlement on their own volition without any duress or coercion. They further submit that the FIR was a result of a misunderstanding between the parties. The same has since been mutually settled. They conveyed their no objection to the quashing of the FIR.

7. Having interacted with the respondents and considering the nature of the dispute, it is borne out that the matter is purely private and personal, arising from a financial transaction, and lacking any public or societal interest.

8. The commercial transaction which resulted in the FIR seems to be rather a case of certain professional deficiency and not deliberate attempt of cheating or forgery. The same is also duly admitted by the informer/complainant who states that at the relevant time the FIR arose out of complete misunderstanding on the part of both the parties.

9. Given that the dispute, which seems to have arisen from misunderstandings between the parties, has been resolved, continuing with criminal proceedings may serve no useful purpose. It would be a drain on judicial resources and abuse of the process of law, especially when dispute



does not involve any public interest or interest of the society at large. Continuation of the proceedings, on the other hand, may result in hostility between the parties and defeat the very purpose of the settlement.

10. Even on a plain reading, and in light of the candid statements of parties, it appears doubtful whether the essential ingredients of the offences invoked under the penal provisions are satisfied as it was purely a civil and contractual dispute. In light thereof, I am of the view that the petition deserve to be allowed on that count as well.

11. Quashing the FIRs would rather facilitate the parties in maintaining or restoring cordiality. Therefore, the proceedings deserve to be quashed in the exercise of the inherent powers of the Court. Reference may be had to the judgement rendered in *Gian Singh v. State of Punjab & Anr. [(2012) 10 SCC 303]* in this context.

12. Accordingly, invoking inherent powers vested with this Court under Section 528 of the BNSS, it is therefore deemed expedient to quash the FIR in question.

13. Consequently, the instant petition is thus allowed. FIR No. 227/2024 dated 06.04.2024 under Sections 406/420/468/471 & 120B of the IPC, registered at police station Vivek Vihar along with all consequential proceedings arising there from, are hereby quashed.

14. The petition, along with pending application(s), if any, stands disposed of.

ARUN MONGA, J

SEPTEMBER 10, 2025/SV