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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2114/2020 & CRL.M.A. 15086/2020**
GAURAV SAXENAPetitioner

Through: Mr. T.S. Varun, Mr. A. K. Verma,
Mr. B.P. Sharma, Mr. Deven Varun,
Mr. Samsun Nihar and Ms. Pooja
Kumari, Advocates with petition in
person (through VC).
Mr. Mohit Chaudhary Kunal
Sachdeva Nimmi Babu , Advocate
(Through VC)

Versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: R-2 (Complainant) in person.
Mr. Pardeep Gahlot, APP for State
with SI Pankaj Kumar, PS Jyoti
Nagar.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **06.02.2025**

1. As there was holiday on 05.02.2025, the matters of the said date are taken up for hearing on today i.e. 06.02.2025.
2. This is a petition seeking to quash FIR No.60/2014 dated 31.01.2014 registered at PS Jyoti Nagar under Sections 420 and 174A of Indian Penal Code ("IPC") along with the charge sheet dated 03.09.2016 under Sections



420 and 174A of IPC and any other consequential proceedings arising therefrom.

3. In the present case, it is stated that the petitioner and respondent no.2 (complainant) have known each other as friends since 2010 and had earlier also entered into business-related transactions.

4. In 2013, respondent no.2 contacted the petitioner, who is a tour and travel business provider, for a tour and travel booking and paid a sum total of Rs.25 lakhs towards ticket booking for the same.

5. However, the petitioner could not provide the ticket and the respondent no.2 registered complaint under Section 138 of Negotiable Instrument Act (“*NI Act*”) and the present FIR under Section 420 IPC.

6. The petitioner was arrested on 23.07.2014 and was in custody till 24.09.2014 before being granted interim bail and again kept in custody from 06.07.2015 till 14.09.2020 for another period of 133 days.

7. During the proceedings, the parties entered into a mediation settlement which was not complied with by the petitioner due to a financial issue. In the interregnum, there were some instances where petitioner could not appear. He was declared ‘Proclaimed Offender (PO)’, but the same were all addressed, and the petitioner filed criminal revision on 14.07.2020 seeking cancellation of NBW proclamation and PO orders.

8. On 27.08.2020, the parties arrived at the settlement, wherein the complaint case under Section 138 of NI Act for bouncing of cheque was compounded and disposed of.

9. On 15.09.2020, the final instalment of the amount due and payable by the petitioner was made and the respondent no.2 wrote a letter to the SHO, PS Jyoti Nagar in FIR No.60/2014 informing of the settlement and



requesting the IO to not to investigate the matter any further.

10. Further, respondent no.2 and the complainant filed an application seeking compounding of the FIR before the learned CMM.

11. My attention has been drawn to the statement of the complainant dated 30.09.2020 which reads as under:-

*“Statement of the complainant Sh. B.P, Tyagi S/o Sh. Het Ram Tyagi
R/o House no. 27, West Jyoti Nagar, Delhi.*

On SA

I am the complainant in the present matter. I have amicably settled the present case FIR no. 60/2014 P.S. Jyoti Nagar, U/s 420/174-A IPC which was filed under a private financial dispute between me and the accused for a sum of Rs.25,00,000/- and I have received the entire sum in full and final amicable settlement with the accused and I have no further claims against the accused, his associates, companies or any other parties in this respect.

I have signed declaration of amicable mutual settlement dated 27.08.2020 in the above matter which has been filed with my compounding application. Same is Ex.C1. I submit that the above matter is amicably settled out of court between the complainant and the-accused in the present case in full and final settlement. I do not wish to pursue further with the present matter and I request to compound and bring an end to the present dispute and accompanying case completely in light of the amicable settlement between me and the accused.”

12. Once the matter has been settled, the complainant had made the above statement before the Court regarding the same, thus, I am of the view that no



dispute is pending between the parties, and hence, the FIR needs to be quashed.

13. For the said reasons, FIR No.60/2014 dated 31.01.2014 registered at PS Jyoti Nagar under Sections 420 and 174A of Indian Penal Code (“IPC”) along with the charge sheet dated 03.09.2016 under Sections 420 and 174A of IPC and any other consequential proceedings arising therefrom are hereby quashed.

14. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 6, 2025/pratibha

Click here to check corrigendum, if any