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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2982/2021**
PUNEET MOTWANI & ORS.

.....Petitioners
Through: Mr. Gaurav Dua, Ms. Poonam
Puniya, Mr. Manish Gupta and Mr.
Rohtash Basoya, Advocates along
with the Petitioner.

versus

THE GOVT OF NCT OF DELHI & ORS.

.....Respondent
Through: Mr. Amol Sinha, Ld. ASC for the
State with Mr. Kshitiz Garg, Mr.
Ashvini Kumar and Ms. Sanskriti
Nimbekar, Advocates with SI Pritosh
Rathee EOW.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
09.01.2025

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1. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the Petitioners seeking to quash the FIR No. 0009/2019 registered under Sections 420/406/120B of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station EOW, Delhi.
2. *Brief facts* of the case are that the Respondent No.2/complaint had been interacting with the Petitioner No.1/Accused since March 2014 and invested in SMC Global Securities Ltd. The Petitioner represented that



MOP Fund Consult. was a Citi Group Company and was targeting small investors to get high net worth individuals. The Respondent No.2/Complainant began investing in MOP Fund Consul. from July 2016 in the name of his family members till July 2018 and invested approx. 3 crores. The Complainant in August 2018 asked for redemption of funds which was expected to happen within a week, but nothing happened for 75 days and no actual money received. The entire family of the Petitioner No.1 is involved in this fraud.

3. It is further submitted that on the complaint of Respondent No. 2, an FIR bearing No. 0009/2019 dated 07.02.2019 P.S. EOW under Sections 420/406/120B of the IPC, 1860 got registered and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

4. It is also submitted that during the pendency of the litigation, the parties have settled all the disputes and differences between them *vide* Settlement Agreement dated 27.09.2019 which *inter alia* states that: -

- (i) the Second party shall pay the total sum of Rs.1,30,00,000/- in full and final settlement to the First party and M/s MOP Funds Consult, Smt. Parna (Batra), Motwani and Sh. Puneet Motwani shall be jointly and/or severally liable to pay the total settlement amount;
- (ii) upon execution of this Agreement and receipt of Rs.30,00,000/- Shri Puneet Motwani would apply for bail and the First Party shall cooperate and give no objection at the time of bail application before the concerned Court;
- (iii) upon receipt of the entire settlement amount, the parties shall approach this Court for quashing or compounding of the alleged



offences and the First Party shall fully cooperate for execution of such other documents as required for the said purpose;

(iv) that upon receipt of the settlement amount, the first Party and their children shall not have any claim against the Second Party of any nature whatsoever. The Second Party shall not be liable to pay any other amount except the settlement amount to the First Party; and

(v) In case the Second Party defaults in making the payment of any instalment, the First Party shall be entitled to forfeit the amount already paid by that date and the Settlement Deed shall stand terminated and the proceeding of the criminal cases would be initiated.

5. In view of the Settlement Agreement dated 27.09.2019, the present Petition has been filed.

6. The Complainants/Respondent No.2 Ms. Aparna and Respondent No.3 Shri Gulab Rai Motwani have joined through Video Conferencing who are identified by the I.O. They admit and endorse that they have settled the matter with the Petitioners vide Settlement Deed dated 27.09.2019 which bears their signatures. Petitioner No.1 Shri Puneet Motwani has died on 03.02.2023 which fact has been confirmed by the I.O.

7. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 27.09.2019 and that the Settlement has been arrived between them voluntarily without any fear, force or coercion from any corner and that, no fruitful purpose will be served in continuing with the FIR.

8. The present Petition has been signed by the Petitioners and is supported by their affidavits as well as affidavit of Respondent No.



2/Complainant. The parties have endorsed and reaffirmed the terms of the settlement dated 27.09.2019.

9. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

10. Moreover, there is no legal impediment in quashing the FIR in question.

11. Accordingly, FIR bearing No. 0009/2019 registered at Police Station EOW, Delhi, for offences punishable under Sections 420/406/120B of IPC, 1860 along with the Chargesheet and all consequential proceedings emanating therefrom are quashed.

12. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 9, 2025/va