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

+ CRL.M.C. 3351/2021

JITNEDER KHOSLA

.....Petitioner

Through: Mr. Ankit Verma & Mr. Sachin
Verma, Advocates.
Petitioner through VC.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for State.
Respondent No. 2 through VC.
S.I. Deepak Mahla, AATS/South
Distt., Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.02.2025

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1. The present Petition under Section 482 of Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the Petitioner seeking to quash the FIR No. 0359/2017 registered under Sections 420/120B/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Malviya Nagar, Delhi.
2. Brief facts of the case are that the Respondent No. 2 is doing the business of maintaining and collecting Gate Fees of Tolls in the State of Telangana and State of Andhra Pradesh under the name and style '*Alfa Security and Allied Services*', in which the Respondent No. 2 is the Managing Director.
3. The Petitioner and the Respondent No. 2 met with each other in the



year 2015 at Respondent No. 2's Office. After few meetings, the Respondent No. 2 expressed his desire to expand his business in North India and sought help of the Petitioner, for the Respondent No. 2 was ready to pay fee for consultation and other incidental fees which might be incurred in getting the business started in North India. As per the planning, the work was firstly to be started in Kota, Rajasthan for maintaining toll gates on NH27 in Kota. The Respondent No. 2 paid a total sum of Rs. 50,00,000/- to the Petitioner for getting the business started in North India, more specially at Kota, Rajasthan. However, the Contract for NH27 toll gates and adjacent tolls gates in Kota, Rajasthan could not be procured by the Petitioner. Thereafter, the Respondent No. 2 asked the Petitioner to return his money, which the Petitioner failed to pay back. Despite repeated demands of the Respondent No. 2 to return his money, the Petitioner failed to do so. Consequently, on the Complaint of the Respondent No. 2, the FIR No. 0359/2017 under Sections 420/120B/34 of IPC, 1860 was registered at Police Station Malviya Nagar, Delh, in which the Chargesheet has been filed, which is pending before the learned Trial Court Delhi.

4. It is also submitted that during the pendency of the litigation, the Petitioner and the Respondent No. 2 have settled all the disputes and differences between them *vide* Settlement Agreement dated 03.01.2019 which *inter alia* states that: -

(i) That the Petitioner has paid a sum of Rs. 46,00,000/- to the Respondent No. 2 by way of Cheques in the following manner: -

- a. Cheque No. 000044 dated 13.04.2018, in the sum of Rs. 8,00,000/- drawn on Equitas Bank,
- b. Cheque No. 000058 dated 24.04.2018, in the sum of Rs.



8,00,000/-, drawn on Equitas Bank,

c. Cheque No. 859956 dated 04.08.2018, in the sum of Rs.

5,00,000/-, drawn on State Bank of India,

d. Cheque No. 859957 dated 25.10.2018, in the sum of Rs.

10,00,000/-, drawn on State Bank of India,

e. Cheque No. 859958 dated 03.01.2019, in the sum of Rs.

15,00,000/-, drawn on State Bank of India.

(ii) That the Petitioner and the Respondent No. 2 have agreed to settle their disputes and differences amicably between them without taking recourse to litigation and for that purpose are willing to abandon their claims,

(iii) That the Respondent No. 2 has agreed to provide the assistance in getting the FIR quashed,

(iv) That the parties shall remain bound by the terms of the Settlement.

5. In view of the Settlement Agreement dated 03.01.2019, the present Petition has been filed.

6. The Petitioner and the Respondent No. 2 are appearing through video conferencing and they have been identified by their counsel and Investigating Officer concerned.

7. It is submitted that the Respondent No. 3/S.N. Tiwari has already passed away and the factum of his demise has been verified by the SHO *vide* Status Report dated 06.12.2023.

8. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 03.01.2019 and thus, no fruitful purpose will be served in continuing with the FIR.



9. The present Petition has been signed by the Petitioner and is supported by his Affidavit. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

10. Today, the Complainant/Respondent No. 2, who is present through video conferencing in the Court, states that he has received all amounts due to him *vide* the aforesaid Cheques and has no objection if the FIR is quashed.

11. 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.

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

13. Accordingly, FIR bearing No. 0359/2017 registered at Police Station Malviya Nagar, Delhi, for offences punishable under Sections 420/120B/34 of IPC, 1860 along with the Chargesheet and all consequential proceedings emanating therefrom are quashed.

14. The Status Report dated 06.12.2023 be taken on record.

15. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 3, 2025/S.Sharma