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

\+ CRL.M.C. 6060/2022

M/S SAHARA Q SHOP UNIQUE PRODUCTS RANGE LTD. .....Petitioner

Through: Ms. Neha Gupta & Mr. Vaibhav Kharbanda, Advocates

versus

STATE OF NCT OF DELHI & ORS. .....Respondents

Through: Mr. Rajkumar, APP for the State with IO, DGB Road, Delhi.
Respondent no. 2 and 3-in-person.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **27.02.2025**

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereafter *'Cr.P.C.'*) has been filed on behalf of the petitioner seeking quashing of FIR bearing no. 0122/2021, registered at Police Station DGB Road, Delhi, for the offences punishable under Sections 406/420 of the Indian Penal Code, 1860 (hereafter *'IPC'*).

2. The representative of petitioner/company is present before this Court, and has been identified by its counsel Ms. Neha Gupta, and Investigating Officer (IO) from Police Station DGB Road, Delhi.

3. Brief facts of the present case are that the present FIR was registered against the petitioner and other accused persons on the directions of the

learned Metropolitan Magistrate *vide* order dated 12.03.2021 on an application filed under Section 156(3) of Cr.P.C. by the complainant/ respondent no.2. It is stated that respondent no. 2 had filed a complaint alleging therein that the petitioner company had cheated the respondents in respect of the money invested by them in the "Q Shop" investment scheme of petitioner, through its authorized center located in Paharganj, Delhi. It is further alleged in the FIR that pursuant to the representations and assurances by the agent/Manager of the petitioner company of great returns from the "Q Shop" investment scheme, the respondent no. 2 and 3 had invested/ deposited a sum of Rs. 2,92,000/- and Rs. 2,09,450/-respectively in petitioner company. It is further alleged that the investments made by the respondent no. 2 and 3 in the said scheme was for a tenure of 72 months and the Respondents No. 2 and 3 were entitled to a sum of Rs. 6,87,456/- and Rs. 4,93,108/-, upon expiry of the tenure of 72 months as per the written confirmation, on the rear side of the receipt. It was further alleged that on 05.09.2018 and 06.09.2018 respectively, upon maturity of the investments made by the respondent no. 2 and 3, the petitioner company failed to make payment of the maturity amount, and had acted in violation of the terms and conditions of the said scheme. Thus, the present complaint was filed.

4. It is stated that both the parties have amicably settled the present matter Memorandum of Understanding (MoU), dated 06.01.2023.

5. On a query made by this Court, respondent no.2 and 3 who have been identified by the IO, have categorically stated that they have entered into compromise out of their own free will and without any pressure, coercion or threat. It is also stated by respondent no. 2 and 3 that the entire dispute has been amicably settled between the parties *vide* MoU dated 06.01.2023

entered into between them. Respondent no. 2 and 3 further states that they have no objection if the FIR is quashed.

6. The quashing is based on MoU dated 06.01.20223, wherein the disputes between the complainant and the accused have already been settled and the entire amount due and payable to the complainants has been returned. The affidavits of the complainants are also annexed with the present petition.

7. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

8. Accordingly, FIR bearing no. 0122/2021, registered at Police Station DGB Road, Delhi, for the offences punishable under Sections 406/420 of IPC, and all consequential proceedings emanating therefrom are quashed, subject to petitioner depositing a cost of Rs. 20,000/- with the Advocates Welfare Fund, Delhi High Court, within a period of one week from date.

9. In view of the above, the present petition stands disposed of.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 27, 2025/zp

Click here to check corrigendum, if any