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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3531/2019, CRL.M.A. 43078/2019 (for interim directions)

SANJAY SHARMA OM PRAKASH & ANR.Petitioners

Through: Mr. Bhushan Mahendra Oza and Mr. Himanshu Nayyar, Advocates.

versus

STATE & ANR.Respondents

Through: Mr. Sanjeev Bhandari, ASC (Crl) with Mr. Arijit Sharma and Mr. Nikunj Bindal, Advocates for the State with SI Yogendra Kumar, PS EOW.
Mr. R.K.Kashyap, Advocate.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
29.01.2025

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W.P.(CRL) 3531/2019

1. The Petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the Petitioners for quashing of FIR No. 199/2009 under Section 406/420/467/468/471/120B of the Indian Penal Code, 1860 registered at Police Station EOW (South-East), New Delhi.
2. It is submitted on behalf of the Petitioners that the Complainants had made a statement before the learned CMM on 04.05.2018 that in case, the Post Dated Cheques which have been given are honoured, the Complainant would co-operate in getting the FIR quashed. It is further submitted that the



payments have all been made as has been recorded in the said Order and therefore, the FIR is liable to be quashed.

3. Learned counsel on behalf of the Complainant submits that there was an MOU entered into between the Company and Mr. Sanjay Sharma, dated 29.07.2013, which was entered into between the parties. The same is taken on record. Essentially, the case is at the stage of Anticipatory Bail and for grant of interim protection to the accused persons. The payments were undertaken to be made in five instalments. However, learned counsel submits that those payments were not made in time and all the cheques though issued, were dishonoured. Subsequently, though the payments have been received in the Court as recorded in the Order dated 04.05.2018 but there was never a Settlement between the parties for quashing of FIR. In any case, the allegations involved are of serious nature involving forgery of 27 bank guarantees, in the total sum of Rs.33.51 Crores.

4. Learned ASC for the State further submits that the Charge Sheet has been filed in the Court and the matter is listed for arguments on Charge. 12 other FIRs which have similar allegations, registered against the Complainant.

5. Learned counsel on behalf of the Complainant submits that all other FIRs have been settled and disposed of.

6. **Submissions heard and the record perused.**

7. The Charge-Sheet stands already filed. There are serious allegations of Section 468/471 of the IPC, in addition to cheating under Section 420 and 120B. This is not a fit case for quashing of the said FIR and the proceedings therein especially when the Statement has been made on behalf of the Complainant that there is no Settlement or Agreement for quashing of said



FIR.

8. In view of the submission made, there is no ground for quashing of the said FIR.

9. The Petition is disposed of accordingly along with the pending Application.

NEENA BANSAL KRISHNA, J

JANUARY 29, 2025/RS