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

+ **W.P.(CRL) 3642/2024**

VINOD GUPTA & ANR.

.....Petitioners

Through: **Mr. Sagar Sharma, Advocate**
(Through VC)

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Sanjay Lao, Standing Counsel for**
the State with Mr. Abhinav Kr. Arya,
Ms. Priyam Agrawal and Mr. Aryan
Sachdeva, Advocates along with SI
Manish, PS: Paharganj
Mr. Ajay Paul, Advocate for R-2
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **13.02.2025**

CRL.M.A. 4556/2025 (Application for correction in order dated
30.01.2025)

1. This is an application seeking correction in the order dated 30.01.2025 with respect to the quantum of the cost to be paid by the Respondent No. 2 herein. It is stated that the cost imposed was Rs. 15,000/-, however at paragraph 8 the order records Rs. 150,000/-. It is stated that it is apparent that it is a typographical error.

2. Issue notice. Learned Standing Counsel accepts notice and learned counsel for the Petitioner as well accepts notice. They state that they have no objection to the correction sought.



3. In view of the above, the application is allowed and the order is corrected and reads as under: -

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

+ W.P.(CRL) 3642/2024

VINOD GUPTA & ANR.

.....Petitioners

Through: Mr. Sudharshan Rajan, Mr. J. S. Kalra, Mr. Sagar Sharma, Mr. Salanki Sharma and Mr. Rajan Kumar, Advocates

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for State with Mr. Abhinav Kr. Arya, Ms. Priyam Agarwal and Mr. Aryan Sachdeva, Advocates with IO, PS: Pahar Ganj
Mr. Ajay Paul, Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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30.01.2025

1. The present petition has been filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhiyta, 2023 (BNSS) seeking quashing of the FIR No. 272/2017 registered under Section 354/506 of the Indian Penal Code, 1860 (IPC) at Police Station Paharganj and all the proceedings emanating therefrom in light of the Settlement arrived at between the contesting parties as recorded in the Memorandum of Understanding (MoU) dated 01.10.2024.
2. Petitioner Nos. 1 and 2 are present in person and are identified by learned counsel for the Petitioners and the Investigating Officer ('I.O.').
3. Respondent No. 2 is also present in person and has been identified by his counsel as well as the I.O. This Court has interacted with Respondent no. 2 and she has stated that she seeks to withdraw the allegations.
4. Learned counsel for the Petitioners states that the parties have entered into a MoU dated 01.10.2024 and as per the said MoU, Respondent No.2 herein has undertaken to pay a sum of Rs. 8,50,000/- to the Petitioner No.1



as full and final settlement of the claims.

4.1 He states that in fact FIR No. 231/2017 filed by the Petitioner No.1 against Respondent No.2 has also been quashed by order passed today in CRL.M.C. 9353/2024.

4.2 He states that Petitioner no. 1 herein was the employer of Respondent no. 2. He states that Petitioner no. 1 found that Respondent no. 2 had embezzled funds and this led to filing of FIR No. 231/2017. He states that since Respondent no. 2 has paid the settlement amount, Petitioner no. 1 has agreed to the quashing of the said FIR.

5. Mr. Sanjay Lao, Standing Counsel for the State, states on instructions from the I.O. that the matter in the subject FIR is still at the stage of investigation and preliminary investigation found that on the alleged date of incident, Petitioner No. 1 was not in Delhi and was in fact in Goa.

6. In the facts of this case, the filing of the subject FIR after Petitioner no. 1 had filed FIR No. 231/2017 makes it suspect and motivated. The submission of the IO also lends credence to this observation.

7. Keeping in view the statement of the Respondent no. 2 and the fact that the parties have amicably settled the dispute this Court is, therefore, of the view that there is no use continuing with proceedings of the captioned FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. It will be nothing but abuse of the process of law and it would not be in the interest of justice if this FIR and proceedings emanating therefrom are allowed to be continued. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

8. Consequently, the present petition is allowed and FIR No. 272/2017 registered at Police Station Pahar Ganj for offences under Sections 354/506 of the IPC and proceedings emanating therefrom are quashed, subject to payment of cost of **Rs. 15,000/-** by the Respondent No.2 to the Delhi High Court Legal Service Committee ('DHCLSC') within a period of four (4) weeks from today.

9. Proof evidencing receipt of deposit shall be filed by the Petitioners with the I.O. In case the receipt of payment of cost is not filed within the stipulated time, the IO shall be at liberty to move an appropriate application before this Court.

10. Parties shall abide by and are bound down to the terms of settlement recorded in the MoU dated 01.10.2024.

11. Pending application is disposed of as infructuous.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring



compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
JANUARY 30, 2025/rhc/sk''

4. The correction has been carried out in paragraph 8 and is highlighted in bold.
5. In view of the above, the application stands disposed of.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 13, 2025/rhc/sk