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

+ **CRL.M.C. 3359/2011 & CRL.M.A. 11956/2011, CRL.M.A. 5564/2014, CRL.M.A. 9763-9764/2023, CRL.M.A. 18872-18873/2023**

HAMMAD AHMED

.....Petitioner

Through: Mr. N. Hariharan, Senior Advocate with Mr. Bobby Lau, Mr. Mohd. Aslan Khan, Ms. Punya Rekha Angara, Mr. Aman Akhtar, Ms. Vasundhara N., Ms. Sana Singh, Mr. Vinayak Gautam and Ms. Vasundhara Raj Tyagi, Advocates.

versus

HAMDARD WAKF LABORATORIES & ANR.Respondents

Through: Mr. Sanjoy Ghose, Senior Advocate with Mr. Anmol Wadhwa, Advocate.

+ **CRL.M.C. 3361/2011 & CRL.M.A. 11959/2011**

AFIR HUSAIN

.....Petitioner

Through: Mr. Satinder Singh Bawa, Advocate.

versus

HAMDARD WAKF LABORATORIES & ANR.Respondents

Through: Mr. Sanjoy Ghose, Senior Advocate with Mr. Anmol Wadhwa, Advocate.

+ **CRL.M.C. 3362/2011 & CRL.M.A. 11961/2011**

TARIQ E.SIDDIQUI

.....Petitioner

Through: Mr. Satinder Singh Bawa, Advocate.

versus



HAMDARD WAKF LABORATORIES & ANR.Respondents
Through: Mr. Sanjoy Ghose, Senior Advocate
with Mr. Anmol Wadhwa, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **15.07.2025**

1. The present petitions filed under Section 482 of the Code of Criminal Procedure, 1973¹ (corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023²) seek quashing of Complaint Case No. 523515/2016 (earlier, CC No. 5480/1/10) titled ***Hamdard (Wakf) Laboratories & Anr. v. Tariq-E-Siddique & Ors.***, pending before the Tis Hazari Court, Delhi, and the proceedings emanating therefrom.
2. Mr. Hammad Ahmed, the Petitioner in CRL. M.C. 3359/2011, is a senior Mutawalli of Hamdard (Waqf) Laboratories (Respondent No. 1). Mr. Asad Mueed (Respondent No. 2) is the Petitioner's nephew. Mr. Afir Husain and Mr. Tariq E. Siddiqui, the Petitioners in CRL. M.C. 3361/2011 and CRL. M.C. 3362/2011, respectively, are employees of Respondent No. 1.
3. The prayer for quashing is premised on a 'Deed of Family Settlement' dated 22nd October, 2019, of which the relevant portion reads as under:

*"10. The Parties also agree that they will withdraw and/or compromise all pending litigation; which is described more particularly in **Annexure-II** to this Family Settlement Deed. Both the Parties agree to cooperate with each other in securing such withdrawal and/or compromise of the abovementioned litigation. The Parties shall jointly take steps in this regard within a period of 30 days from the sanctioning of this Settlement by the Court."*

¹ "CrPC"

² "BNSS"



4. This clause refers to Annexure-II, which enumerates the *inter se* complaints that the parties have agreed to withdraw in light of the settlement. The impugned complaint case is listed at serial no. 1 of the said annexure. Based on this settlement, Mr. N. Hariharan, senior counsel for the Petitioner in CRL. M.C. 3359/2011, highlights that pursuant to the settlement, the complaint mentioned at serial no. 2 – Complaint Case No. 525309/2016 titled ***Hamdard (Wakf) Laboratories & Ors. v. Hammad Ahmed & Ors.*** – has, in fact, been withdrawn by the Respondents. He further emphasizes that both parties are implementing the terms of the settlement, although certain claims have been raised by the Respondents before an arbitral tribunal appointed by this Court. Nevertheless, insofar as the present case is concerned, Mr. Hariharan argues, the parties remain bound by the terms of the settlement.

5. On the other hand, Mr. Sanjoy Ghose, senior counsel for the Respondents, opposes the present petitions. He submits that arbitration proceedings are presently underway between the parties indicating unresolved disputes between them. In this context, he draws the attention of the Court to the order dated 20th November, 2023, passed in CONT.CAS(C) 1689/2023 titled ***Asad Mueed & Anr. v. Hammad Ahmad & Ors.***, wherein the Court observed as follows:

“CM APPL. 59562/2023

Exemption allowed, subject to all just exceptions.

The application is disposed of.

CONT.CAS(C) 1689/2023

1. *This is a petition seeking initiation of contempt proceedings for violation of the decree dated 13.12.2019 in CS (OS) No. 162/2017.*
2. *As per the judgment, the parties had arrived at a settlement and had agreed to abide by the terms and conditions contained therein.*
3. *It is stated by Mr. Vasdev, learned senior counsel for the petitioner that the respondent is guilty of non-compliance regarding*



withdrawal/quashing of the criminal complaint filed by the respondents.

4. *Mr. Sindhwani, learned senior counsel opposes the same and states that the respondent is complying with their obligations as per the settlement recorded in the judgment dated 13.12.2019.*

5. **With consent of parties, it is directed that the parties shall comply with their obligations contained in the judgment dated 13.12.2019 including quashing/withdrawal of the criminal complaint, subject to the disputes which are pending before the Arbitral Tribunal.**

6. *This Court has not commented or made any observations with regard to the disputes pending before the Arbitral Tribunal.*

7. *This Court has also not commented on the fact whether the issue with regard to quashing/withdrawal of the criminal complaint is a subject matter of the disputes before the Arbitral Tribunal.*

8. *With these observations, the contempt petition is disposed of.”*

[Emphasis supplied]

6. Mr. Ghose submits that the Settlement Deed is not being implemented in its entirety by the parties, which is the reason they are currently engaged in arbitration. He further contends that the withdrawal of the complaint was premised on the understanding that the parties would implement the settlement in its true letter and spirit.

7. The Court has considered the aforementioned contentions. The execution of the settlement deed is not disputed. In fact, the order relied upon by Mr. Ghose – arising out of the contempt proceedings – categorically records the consent of the parties for quashing or withdrawal of the criminal complaints, subject to the disputes pending before the arbitral tribunal.

8. In light of this clear undertaking given by the parties, the Court finds no reason to keep the present proceedings pending. In light of the settlement and the consent recorded in the order dated 20th November, 2023, the impugned Complaint Case No. 523515/2016 (previously CC No. 5480/1/10), titled ***Hamdard (Wakf) Laboratories & Anr. v. Tariq E. Siddiqui & Ors.***, pending before the Tis Hazari Court, Delhi, and all



proceedings emanating therefrom are hereby quashed. However, it is clarified, if the adjudication of the disputes by the arbitral tribunal necessitates revival of the criminal complaint, the parties shall be at liberty to approach the Court for appropriate relief.

9. The Petitioners in CRL. M.C. 3361/2011 and CRL. M.C. 3362/2011 are merely employees of Respondent No. 1. Nonetheless, in view of the settlement between the parties and quashing of the complaint itself, the continuation of the proceedings against them is futile.

10. It is clarified that the Court has not expressed any opinion on the merits of the case. The quashing of the complaint is solely based on the settlement between the parties and the consent recorded in the order dated 20th November, 2023.

11. Accordingly, the present petitions are disposed of along with pending applications.

SANJEEV NARULA, J

JULY 15, 2025
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