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

+ **CRL.M.C. 6693/2022**

STARCITY REALTECH PRIVATE LIMITED

THROUGH AR MR. PUNEET SAIN & ORS. Petitioners

Through: Mr.Kushagra Singh, Mr.Abhishek Singh and Mr.Abhishek Choudhary, Advocates.

versus

STATE GNCT OF DELHI & ANR. Respondents

Through: Mr.Aman Usman, APP for the State with Inspector Vijay Kaushik, PS EOW.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **13.12.2022**

CRL.M.A. 26054-55/2022

1. Exemption allowed, subject to all just exceptions.
2. The application(s) stand disposed of.

CRL.M.C. 6693/2022 & CRL.M.A. 26053/2022

3. This petition is filed with the following prayers:-

Quash the FIR No.47 of 2022 dated 17.03.2022 under Sections 406, 467, 468, 471, 120-B, and 34 IPC registered at Economic Offences Wing (EOW), New Delhi and all the proceeding emanating therefrom;

4. The learned counsel for petitioner submits three plaintiffs as are arrayed in CS2536/2016 before the learned Civil Court at Gurugram, Haryana (hereinafter referred as *Civil Suit*) had filed it against five defendants, including the petitioner herein as defendant No.5 therein. It is stated the petitioner herein and other four defendants in Civil Suit (*supra*) had agreed to pay Rs.114 Crores plus exchange of some land to the plaintiffs



therein. Rs.18.00 Crores was handed over then and there and for the balance amount of Rs.96.00 Crores post dated cheques were issued. Respondent No.2 herein is claiming right in the share of those three plaintiffs in Civil Suit (*supra*) on account of some demerger scheme and had filed various litigations against petitioner seeking various reliefs, the details of which are mentioned in para No.2 of petition at page No.19-20.

5. It is stated three plaintiffs in Civil Suit (*supra*) have also challenged the rights of respondent No.2 in the subject land and refers to the averments made in counter affidavit filed by them in *Civil Writ Petition No.25534/2022* and para No.5 thereof notes:-

5. That the Petitioner has no Locus Standi or cause of action to challenge the compromise affected between the Answering Respondents and the Respondents No.7, 8,9, 10 & 11 as well the award passed by the Lok Adalat on the basis of the said Compromise Deed dated 23.11.2016. The answering Respondents i.e. Respondent Nos.13 to 15 held title to respective land parcels which are subject matter of the present Writ Petition thus the Answering Respondents are necessary party and have been wrongly shown as Proforma Respondents.

6. The learned counsel for petitioners submits in any case the petitioner and four other defendants in Civil Suit (*supra*) have already deposited Rs.96.00 Crores in CM No.600/2022 and now no amount is pending in lieu of settlement so arrived at between the parties in Civil Suit(*supra*).

7. Petitioners also got registered a FIR No.2/2022 under Section 120B/406/409/420/467/468/471 IPC at police station Gurugram City against respondent No.2 and its directors and quashing petition being CRM-M-No.2528/2022 was filed by respondent No.2 wherein *no coercive action* has been ordered by the High Court of Punjab and Haryana at Chandigarh.

8. Notice issued. Learned APP for the State accepts notice and seeks to



file status report. Be filed before next date of hearing with an advance copy thereof to the learned counsel for petitioner.

9. Notice be issued to respondent No.2 through all modes returnable on next date of hearing.

10. The learned APP for the State submits since the investigation is at very initial stage, hence he cannot comment upon as to if the custodial interrogation of petitioners would be required or not. In case the Investigating Officer intends to apprehend the petitioners, they should be given at least five days advance notice prior to their arrest.

11. List again on 21.02.2023.

YOGESH KHANNA, J.

DECEMBER 13, 2022

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