



2025:DHC:3933



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 16.05.2025

+ CRL.M.C. 3001/2025

COSMOS INFRA ENGINEERING INDIA PRIVATE
LIMITED & ANR.Petitioners

Through: Mr. Vijay K. Singh, Ms. Shruti
Manchanda, Mr. Himanshu,
Advs. along with petitioner No.
2 in person and petitioner No. 1
through VC.

versus

ECONOMIC OFFENCES WING & ORS.Respondents

Through: Mr. Hitesh Vali, APP for the
State with Insp. Laxman
Kumar, PS EOW.
Mr. Nikhil Rahija, Mr. Ajeesh
Kumar, Ms. Poonam Kumari &
Mr. Satpal Kochar, Advs. for R-
2 along with R-2, R-3 and R-5
in person. R-4 is present
through VC.

CORAM:-**HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**



**CRL.M.A. 13352/2025 EXEMPTION FROM FILING
ORIGINAL /CERTIFIED COPIES ETC.**

Allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 3001/2025 & CRL.M.A. 13351/2025 STAY

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0063/2023, dated 14.08.2023, registered at P.S Economic Offences Wing under sections 420/409/120B IPC and all proceedings emanating therefrom on the basis of settlement between the parties.
2. On 14.08.2023, Respondent No.2 lodged the aforesaid FIR against the Petitioner alleging cheating and criminal breach of trust regarding project funds. Meanwhile, insolvency proceedings under Section 7 of the IBC, 2016 were admitted by NCLT, Delhi on 12.10.2023 against Cosmos Infra, and Plan-A was approved on 15.12.2023, which included terms for settlement of claims. The Project is under completion as per the approved Plan A and vide order dated 23.01.2024 passed by NCLT, Petitioner No.1 Company and the homebuyers (including the Respondent No.2 to 5) are bound by the terms of the approved PLAN A. Since Respondent No. 2 to 5 did not make the complete payment as per Plan A, Petitioner No. 1 cancelled the units allotted in favour of Respondent No. 2 to 5. Thereafter,



Respondent No. 2 to 5 showed interest in complying with Plan A including making payments towards outstanding and future instalment in terms of the Plan A and requested for the revocation of cancellation of their respective units.

3. During the proceedings, the parties have amicably resolved their disputes and executed four Settlement Deeds dated 22.04.2025 with Respondent No. 2 to 5. It is submitted that in pursuance of the Settlement, all the previous complaints and litigations initiated by the parties have been withdrawn and all conditions of the Settlement Deed including payment of requisite amount to the Petitioner by the Respondent No. 2 to 5 have been fulfilled as per the schedule mentioned in the Settlement Deed. The copies of four Settlement Deeds dated 22.04.2025 with Respondent No. 2 to 5 have been placed on record as Annexure P-7, P-8, P-9 and P-10 respectively.

4. The matter was placed before the Joint Registrar, who has recorded the statements of Respondent No.2 and 5 on 01.05.2025. The Joint Registrar recorded the statements of the Respondent No.3 and the Petitioners on 05.05.2025 and passed the following order:-

“05.05.2025

Today, statement of respondent no.3 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no.3 has been identified by the IO.



Let the pre-verified statement along with this order be placed before the Hon'ble Court on **16th May, 2025**.

5. Petitioner No. 2 for himself and petitioner No. 1 and respondent Nos. 2, 3 and 5 are physically present in Court while respondent No. 4 is present through video conferencing. They have been identified by their respective counsels as well as by the Investigating Officer SI Insp. Laxman Kumar from PS EOW.

6. Respondent No.2 to 5 submit that the matter has been settled with the Petitioners without any force, fear, coercion and the conditions of the Settlement Deed dated 22.04.2025 have been complied with. It is submitted that Respondent No.2 to 5 have no objection if the FIR No. 0063/2023 is quashed against the Petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0063/2023 is quashed.

8. In *Gian Singh Vs State of Punjab (2012) 10 SCC 303*, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put



to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0063/2023, dated 14.08.2023, registered at P.S Economic Offences Wing under sections 420/409/120B IPC and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and FIR No. 0063/2023, dated 14.08.2023, registered at P.S Economic Offences Wing under sections 420/409/120B IPC and all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

12. Pending application(s), if any, also stand disposed of.

न्यायमेव जयते

RAVINDER DUDEJA, J

MAY 16, 2025/AK