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

\+ **Crl. M.A. 8600/2008 in Crl. M.C. 1270/2008**

% DATE OF DECISION : 29th AUGUST, 2008

INDIAN HOUSEHOLD &
HEALTH CARE LTD. ..... Petitioner

Through: Mr. N. Hariharan, Advocate

versus

STATE & ANR. ….Respondents

Through: Mr. Sanjeev Narula and Mr. Deepak Sharma, Advocate for the applicant in Crl. M.A 8600/2008

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the digest?

J U D G M E N T

MANMOHAN, J: (ORAL)

1. The present petition had been filed by M/s Indian Household & Health Care Ltd. for quashing of FIR No. 366/2006 registered with PS Kalkaji on the ground that the Petitioner had amicably settled its dispute with Respondent No. 2.

2. On that basis, this Court on 24th April, 2008 had passed the following order:-

"Present: Mr. H. Hariharan Advocate with Mr. Rohit Sharma, Advocate for the petitioner.

Mr. Saleem Ahmed, Advocate for R-1
Mr. Lalit Kumar, Advocate for R-2

+Cr. M.C. No. 1270/2008
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The present petitioner has been filed under Section 482 Cr.PC seeking of quashing of FIR No 366/2006 registered at P.S. Kalkaji under Sections 406, 409, 420, 120B, 468 and 471 of IPC.

The case of the petitioner is that in pursuance to a license agreement with LG Household and Health Care Limited, Respondent No. 2 was appointed as a distributor.

However, M/s. LG Household and Health Care Limited unilaterally terminated the said license agreement. Consequently, petitioner could not honour its contractual obligations, due to which the business interest of respondent No. 2 suffered.

Subsequently, an FIR No. 366/2006 was registered at P.S. Kalkaji on the complaint filed by respondent No. 2. However, now the parties have amicably settled their disputes. Respondent No. 2 is represented by its proprietor, Mr. J.N. Sharma, who has been identified by respondent No. 2's counsel in Court. He has no objection to quashing of the impugned FIR.

Since the disputes are of civil nature and they have been settled between the parties, I quash the aforesaid FIR No. 366/2006 registered at P.S. Kalkaji and any consequential proceedings arising therefrom.

Counsel for the petitioner states at the bar that LOC notice, if any, issued against the petitioner in respect of present FIR be also quashed. The counsel for the respondent No. 2 has no objection to the same. Since the FIR has already been quashed, I see no difficulty in quashing LOC notices, if any, issued against the

petitioner by Delhi Police in pursuance to the impugned FIR. Ordered accordingly.

The present petition stands disposed of in aforesaid terms.

Dasti."

3. Subsequently, the present application has been filed by Mr. Abhishek Chopra, Proprietor of R.D. Traders, hereinafter referred to as the Applicant, alleging that its complaint had been tagged with FIR No. 366/2006 and Respondent No. 1 is treating the Applicant's complaint as also being quashed by the order dated 24th April, 2008.

4. Learned counsel for the Petitioner states that they had compromised the matter in its entirety with its Clearing and Forwarding Agent (C&F Agent) and it was the C&F Agent's responsibility to settle all the disputes with all the distributors including the present Applicant. Learned counsel for the Petitioner points out that in fact the C&F Agent had settled disputes with five other distributors but surprisingly not with the Applicant.

5. Be that as it may, it is clarified that this Court while quashing the FIR No. 366/2006 has neither dealt with nor commented upon the Applicant's complaint. Consequently, this Court's order dated 24th April, 2008 should not be construed by the police as closure of the Applicant's complaint. What has been quashed by this Court was an FIR registered at the instance of M/s. P.S.V. Enterprises. Respondent No. 1/police is free to take any action in accordance with law on the Applicant's complaint.

6. If the Applicant has any grievance with the police investigation, then he is at liberty to agitate the same in accordance with law. Similarly, the Petitioner is at liberty to seek either quashing or any other remedy with regard to Applicant's complaint that is available to him in accordance with law.

7. With these observations, the present application is disposed of.

MANMOHAN, J

AUGUST 29, 2008
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