

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Criminal Writ Petition No. 1294 of 2014**

Arvind Paul ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

With

**Criminal Writ Petition No. 1295 of 2014**

Mr. Krishnamurthy Narayanan Iyer ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

**Criminal Writ Petition No. 1296 of 2014**

Suhail Ahmed ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

**Criminal Writ Petition No. 1297 of 2014**

Vivek Upadhyay ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

**Criminal Writ Petition No. 1298 of 2014**

Ashwin Mittal ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

**Criminal Writ Petition No. 1299 of 2014**

Anupam Goyal ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

**Criminal Writ Petition No. 1300 of 2014**

Bhuvan Bhasin ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

**Criminal Writ Petition No. 1301 of 2014**

Prag Mehta ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

And

**Criminal Writ Petition No. 1302 of 2014**

Anthony P. Vanarajah ..... Petitioner

**Versus**

State of Uttarakhand & Another ....Respondents

Mr. Siddharth Luthra, Sr. Advocate, assisted by Mr. Aditya Singh, Mr. Suyash Pant, Mr. Nikhil Menon, Mr. Vinay Gandhi, Advocates for the petitioners.

Mr. V.S. Pal, Assistant Govt. Advocate, for the State of Uttarakhand.

Mr. Ramji Srivastava, Advocate, for the complainant/respondent no. 2.

November 28, 2014

**Hon'ble Serves Kumar Gupta, J.**

All these nine petitions have been filed against the same First Information Report. Hence, these are being disposed of by this common judgment and order.

Impugned First Information Report was lodged by M/s Sri Krishna Associates (respondent no. 2) through its power of attorney Mr. Sanjay Behl on 11.10.2014 against the present petitioners in the Police

Station Jwalapur, District Haridwar. The gist of the FIR, sans unnecessary details, is that under an agreement between the Wal-Mart India Pvt. Ltd. and M/s Sri Krishna Associates, the latter developed a spot situated on a vast agricultural land around Haridwar town for founding the business establishment of the said Wal-Mart company, whereof the petitioners are the high office bearers and the representatives.

During the span of two years, the informant, having taken loan from the Punjab National Bank, spent more than rupees two crores in order to keep the promise towards making the foundation for the establishment of Wal-Mart company and to pave the way for the start of its business. In the course of time, informant felt that the company is not interested in commencing its business any more in Haridwar at the said developed spot. So, the Wal-Mart company started showing its reluctance by not properly responding to the correspondences of the informant firm. Feeling aggrieved, the FIR was lodged by the firm.

The petitioners approached this Court by way of filing their individual petitions seeking to get the order that no coercive measures shall be taken against them during the pendency of these petitions, and they succeeded in obtaining that interim order from this Court.

Now, both the parties have arrived at a settlement agreement and the same has been reduced in writing and has been filed on record as Annexure P-3. As a result of that settlement agreement, it was agreed between the parties that Wal-Mart company shall pay rupees two crores seventy seven lakhs to the informant firm to make good the losses/expenses incurred in doing

the work which it did in advancement of the initial agreement between the two. Out of this fund, rupees one crore thirty eight lakhs and fifty thousand have been paid to the informant firm and the receipt thereof has been accepted by Mr. Sanjay Behl, who is personally present in the Court. Rest of the payment has been undertaken to be paid by the authorized representative of the company, namely, Allan Nott through RTGS system of the banking transactions. Mr. Allan Nott is also personally present in the Court, duly identified by his learned Counsel Mr. Aditya Singh. Mr. Nott has undertaken before this Court that the remaining amount, as per the terms of the settlement agreement, shall be transferred to the informant firm through the RTGS mode within a week i.e. latest by 5<sup>th</sup> December 2014.

Mr. Allan Nott also holds the powers of attorney executed in his favour by each of the accused, named in the impugned FIR. All these powers of attorney are accepted on the record.

So, in the given facts and circumstances of the case, as have been highlighted above, as well as looking to the terms and conditions of the settlement agreement (Annexure P-3), I feel that the interest of justice would be served by this settlement agreement arrived at between the parties and, hence, there is no use in permitting the ongoing investigation to continue any further.

In view of what has been stated above, the impugned FIR No. 409 of 2014 dated 11.10.2014 under Sections 406, 420, 467, 468, 471 read with Section 120-B IPC lodged at Police Station Jwalapur, Haridwar is hereby quashed.

All the afore-titled petitions stand disposed of accordingly.

Certify copy of this order shall be supplied to learned Counsel of the parties today itself on payment of the prescribed charges.

**(Servesb Kumar Gupta, J.)**

Prabodh