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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2237/2011

RAMESH KUMAR

Through

Versus

STATE & ANR

Through

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.11.2011

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This is a petition for quashing of FIR No. 46/2011 under Section 420/120-B/506/34 IPC registered at P.S. Vivek Vihar, New Delhi on the complaint of Respondent No. 2 Smt. Madhu Puri.

Briefly, the allegations as set out in the FIR are that the Respondent No. 2. Madhu Puri alleged that the accused Vishal Ohri and Sushil Kumar induced her to purchase flat which was being constructed at B-29, Jhilmil Colony, Delhi under a collaboration agreement dated 10th October, 2008. She gave a total consideration of Rs. 32.5 lacs to Smt. Kulwant Rani i.e. the

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been compared and the digital data is as per
the physical file and no page is missing.

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Respondent No. 5, the mother of Respondent No. 4 Sushil. She entered into an Agreement to Sell dated 29th December, 2008 with Vishal Ohri and paid him earnest money of Rs.2.5. lacs. The complainant subsequently received a notice from a Court regarding suit for possession and permanent injunction filed by Ramesh Kumar who claimed to be the owner of the said property. During investigation, it was found that Vishal Ohri had entered into an Agreement to Sell in favour of the Complainant and also with Ramesh Kumar i.e. the Petitioner. During the pendency of the investigation, the matter has been settled. The Complainant Smt. Madhu Puri has handed over the peaceful possession of the flat to the Petitioner Ramesh and in turn she has received her consideration back.

Respondent No. 2 who is present in Court and is identified by her counsel states that she does not want to pursue the abovementioned FIR against the Petitioner and Respondent No. 2 & 5 i.e. Sushil Kumar and Smt. Kulwant Rani who are also identified by their counsel.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings

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pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 46/2011 under Section 420/120-B/506/34 IPC registered at P.S. Vivek Vihar, New Delhi is quashed qua the Petitioner and Respondent Nos. 4 & 5 and the proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

Mukta Gupta
MUKTA GUPTA, J

NOVEMBER 24, 2011

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Pravir

*I identify
the Petitioner*

*HIMAL AKHTAR
Advocate
D-483/84*

*I identify the
Respondent*

*(S1 Haryana Sahi)
PS Vivek Vihar
Q-4373
Kishanant Rini*

*Madhu-puri
Identify
preeti
Preeti Gupta
D/2599/10
for R-2*

*Sumit Kumar
Imam
D/712/95
for 4 & 5
Inceasing my Rukh + 645*