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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 548/2015

ATUL GUPTA & ANR

..... Petitioners

Through: Mr. Ajay Burman, Adv. with
petitioners in person.

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Saleem Ahmed, Standing
Counsel with Mr. Ajay Pratap Singh,
Adv. along with Insp. Sudhir Kumar,
P.S. Jagatpuri.

Ms. Ruchi Kapur, Adv. for R-2 & R-3
along with R-2 and R-3 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.05.2015

Present FIR No. 37/2011 under Section 420/34 IPC was registered against the petitioners at police station Jagatpuri on the complaint of respondent no.2. Respondent no. 2 has alleged in the FIR that respondent no. 4 approached and induced him to purchase a property bearing no. 203-204, Block B, Pocket No. 5, Sector 5, Rohini, New Delhi (without roof rights) from the petitioners. It was represented that aforesaid property was owned by the petitioners. Respondent no.2 and his wife, that is, respondent no.3 agreed to purchase the said property and paid ₹10 lacs to the petitioner

no.2 as token money. Subsequently, respondent nos. 2 and 3 gave five cheques amounting to ₹20,40,000/- and handed over the same to respondent no.4. However, documents were not executed. In nutshell, it is alleged that petitioners, in conspiracy with respondent no. 4, had cheated the respondent nos. 2 and 3.

During the investigation itself, petitioners and respondent nos. 2 and 3 have settled their disputes amicably. It is submitted that respondent no. 4 was a middle man in the deal and is not living in Delhi as of now. Respondent nos. 2 and 3 are present in Court and confirm having compromised the matter with the petitioners vide Memorandum of Understanding/Compromise Deed (Annexure-B). Respondent nos. 2 and 3 admit having received entire settled amount of ₹15 lacs. They submit that they have no objection in case the FIR is quashed not only against the petitioners but also qua the respondent no. 4 who had acted as a broker in the deal.

Keeping in mind totality of the circumstances more particularly that criminal proceedings have civil flavour and parties have settled their disputes, in the interest of justice, FIR No. 37/2011 under Sections 420/34 IPC registered at police station Jagatpuri and the consequent proceedings

emanating therefrom are quashed.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

MAY 07, 2015

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