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

Judgment delivered on: 15th December, 2015

+ CRL.M.C. 4033/2014

SEEMA SAHNI & ANR. Petitioners

Represented by: Mr. Amit Sharma, Adv.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Mukesh Kumar, APP for
State with SI Dinesh Kr., PS-Sultan Puri.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

+ **CRL.M.C. 4033/2014**

1. By way of the present petition filed under Section 482 Cr.P.C. petitioners seek directions thereby quashing of FIR No. 357/2009 registered at PS-Sultan Puri for the offences punishable under Sections 448/420/467/468/471/120B IPC against them.

2. Ld. Counsel appearing on behalf of the petitioners submits that aforesaid case was registered on the complaint of respondent no. 2 namely Mr. Rajesh Arya against the petitioners and three more accused and their unknown accomplices for their acts of cheating, creating forged documents with common intention to break open the locks of the property, dishonest misappropriation of property, mischief, criminal trespass and conspiracy in the property of the complainant.

3. The case of the petitioners is that petitioner no. 2, i.e., Rajnikant

Sahni purchased a property bearing shed No.100-B, First Floor, DSIDC, Sultan Puri, Delhi from co-accused namely Prahlad Singh vide registered General Power of Attorney and Agreement to Sell, both dated 17.01.2008 along with the possession of the said property through co-accused namely, Zardar Khan.

4. Thereafter on 14.11.2009, respondent no. 2 lodged a complaint with the Police Station Sultan Puri, Delhi against the petitioners and co-accused alleging therein that they have trespassed in the shed of the complainant and forged the documents with a view to cheating the complainant and usurping his property. Accordingly, complaint was registered against the petitioners, which culminated into the FIR mentioned above.

5. Pursuant to aforesaid FIR, petitioners appeared before the Police and apprised them the factual position, stating therein that they are the *bona fide* purchasers of the property bearing No.100-B, First Floor, Sultan Puri as the said property was purchased from co-accused Prahlad Singh through Zardar Khan. However, petitioner no. 1 handed over the possession of the aforesaid property to respondent no.2 when the co-accused Zardar Khan gave an undertaking to transfer the ownership rights / title deeds of shed no. B-95, DSIDC, First Floor, measuring 28.67 Sq. Yds. in favour of the petitioners in lieu of First Floor 100-B, Sultan Puri.

6. Accordingly, on 18.11.2010, co-accused Zardar Khan executed a registered General Power of Attorney, Agreement to Sell in respect of property bearing no. B-95, First Floor, DSIDC, Sultan Puri in favour of the petitioner no.2. Thereafter on 11.11.2012, a settlement was arrived at

between respondent no. 2 and other co-accused persons namely Zardar Khan, Prahlad Singh and Ved Prakash and a letter to that effect was written by the respondent no. 2 to the Investigating Officer. Moreover, the petitioners joined the investigation. However, the police has filed the chargesheet under Sections 448/420/467/468/471/120B IPC against the petitioners along with other co-accused.

7. Pursuant to order dated 25.08.2015, SI Dinesh Kumar, Investigating Officer of the case is present in the Court and verbally alleged that the matter has been settled between the parties, however, keeping in view the allegations made in the complaint, the police has filed the chargesheet.

8. As the petitioners are concerned, they are innocent. They purchased the property bearing no. First Floor, 100-B, Sultan Puri, Sultan Puri vide the registered documents and thereafter when they came to know that the property was not having clear title then, co-accused Zardar Khan executed the documents in respect of property another bearing no. B-95, First Floor, DSIDC, Sultan Puri in favour of petitioner no.2 on 18.11.2010.

9. There are no allegations against the petitioners as to how they cheated the complainant or any person and entered into a conspiracy with other. Rather the petitioners were victim at the initial stage. However, they were compensated by transferring another property bearing no. B-95, First Floor, DSIDC. Moreover, during investigation, the complainant had informed the police that matter has been settled with the petitioners.

10. Keeping in view the facts recorded above, I am of the considered

view that no case is made out against the petitioners.

11. Consequently, FIR No. 357/2009, registered at PS-Sultan Puri for the offences punishable under Sections 448/420/467/468/471/120B IPC and all proceedings emanating therefrom are hereby quashed qua the petitioners.

12. Accordingly, the petition is allowed with no order as to costs.

Crl. M.A. 13820/2014

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

DECEMBER 15, 2015

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