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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1393/2015
DEEPENDER SHARMA & ORS Petitioners
Through Mr. Deepak Sharma, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents
Through Mr. R.S. Kundu, ASC with
Mr.Vishesh Wadhwa, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **10.07.2015**

CrI.M.A.9727/2015

Exemption allowed, subject to all just exceptions.

Application is disposed of, accordingly.

W.P.(C) 1393/2015

The petitioners seek quashing of FIR No.210/2013 (PS Sagarpur) dated 17.10.2013 instituted under Sections 420/406/34 of the IPC.

The petitioners as well as the respondent no.2 are present in the court.

The respondent no.2 has been identified as Shalinder Tyagi by the Investigating Officer of the case, who is also present in the court.

It has been alleged in the FIR that the property in question namely flat was offered for sale by the petitioners despite such property being under mortgage. This fact was not made known to the respondents. The property in question was agreed to be sold to the respondent for Rs.98 lakhs. Out of the consideration amount, a substantial payment was made by the respondents.

Later, on discovering that the property is mortgaged, respondent no.2

lodged the subject FIR.

However, with the intervention of well-wishers and the petitioners themselves realising their mistake, a Memorandum of Understanding was entered into between the parties wherein it was agreed upon that the petitioners would pay Rs.56 lakhs to the respondent no.2.

Out of such amount agreed upon between the parties, Rs.36 lakhs has already been paid to respondent no.2, which fact has been confirmed by him during the hearing of this application.

The petitioners, today in the court, have handed over a draft of Rs.20 lakhs which has been accepted by the respondents.

The grievance of the Respondent/informant has been completely redressed.

The present application is structured on the ground that in the absence of any dispute between the parties remaining today, no useful purpose would be served in allowing the investigation to continue.

Considering the aforementioned aspect of the matter, this Court is inclined to quash FIR No.210/2013 and the resultant investigation upto now.

The FIR No.210/2013 (PS Sagar Pur) dated 17.10.2013 is hereby quashed.

The application is allowed and disposed of accordingly.

ASHUTOSH KUMAR, J

JULY 10, 2015

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