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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1564/2016**
ANIL BANSAL & ANR Petitioners
Through: Mr. Devender Kumar, Adv. along
with petitioner no.1 in person.
versus

THE STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents
Through: Ms. Richa Kapoor, ASC with Mr.
Ashish Negi and Ms. Seema Patnaha,
Advs. along with SI Sandeep Maan,
DIU/South Distt.
Ms. Jasbir Kaur, Mr. Manmeet Singh
Mr. Kunal Aganpal, Advs. for R-2
along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK
ORDER
% **28.09.2016**

W.P.(CRL) 1564/2016

By this petition under Article 226 of the Constitution of India, petitioners have prayed for quashing of FIR No. 146/2009 under Section 420 IPC registered at police station New Friends Colony, on the complaint of respondent no.2. Petitioner no.2 is wife of petitioner no.1. Respondent no.2 has alleged in the FIR that he was having business relations with the petitioners. He had taken loan of Rs.40 lacs from the petitioners which was payable in monthly instalments of ₹75,000/-. Since respondent no.2 was in

financial difficulty, petitioners suggested him to run his business from their shop of gift items at Sadar Bazar. Accordingly, respondent no.2 started selling goods imported by the petitioners from China and again started paying instalments of ₹75,000/- per month. After receiving about 15-16 instalments, petitioners suggested the respondent no. 2 that they be permitted to shift at first floor of House No. 3, Park Avenue, Maharani Bagh, New Delhi. Later on, petitioners started compelling the respondent no.2 to sell second floor of the said house to them and forced the respondent no.2 to execute GPA/Will/Agreement of the first and second floor of the said house towards adjustment of loan amount of ₹40 lacs. Respondent no.2 was pressurised to enter into the said deal by the petitioners.

Respondent no.2 filed CS (OS) 1284/2008 titled Prabhash Verma @ Kuku vs. Anil Bansal & Arn. in this Court against the petitioners for declaration, possession, mesne profits, damages and permanent injunction. It is submitted that in the said suit parties were referred to the Mediation Centre wherein a settlement has been arrived at between the petitioners and respondent no.2 on the terms and conditions as stipulated in the Settlement Agreement dated 30th May, 2013. Mrs. Reva Verma, sister of respondent no.2 also participated in the said Mediation proceedings. Subject matter

involved in the present FIR has also been settled before the Mediation Centre. It is further submitted that terms of settlement have also been complied with by the parties. In terms of the settlement, petitioners have handed over possession of the ground floor, proportionate share of basement and stilt area of the aforesaid Maharani Bagh house to the respondent no.2. Petitioners have also paid ₹2.85 crores to the respondent no.2. Petitioners have also paid ₹7.41 lacs to the respondent no.2 by way of demand draft no. 037510 dated 5th August, 2016 drawn on HDFC Bank, Nehru Place, New Delhi – 110019 towards installation of lift in his portion. Apart from this, petitioners have also paid ₹3.15 lacs to the respondent no.2 through cheque no. 835292 dated 28th September, 2016 drawn on Punjab National Bank, Mall Road, Delhi – 110054 towards the delay in handing over the possession and arrears of water bills.

Respondent no.2 is present in Court and has been identified by SI Sandeep Maan from DIU South District. Respondent no.2 submits that he has no objection in case the FIR is quashed in view of the settlement, subject to, however, encashment of aforesaid cheque for ₹3.15 lacs.

Since parties have settled all their disputes before the Mediation Centre and terms whereof have already been complied with and respondent

no.2 has no objection for quashing of FIR, in the interest of justice, FIR No. 146/2009 under Section 420 IPC registered at police station New Friends Colony, which is at initial stage, is quashed subject to encashment of aforesaid cheque of ₹3.15 lacs.

Writ petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

SEPTEMBER 28, 2016

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