

§ 6 & 7.

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

+ **W.P.(CRL) 1631/2016**

PRADEEP

..... Petitioner

Through: Mr. Vikas Yadav & Ms. Upma
Yadav, Advocates along with
petitioner in person.

versus

BIJENDER & ANR

..... Respondents

Through: Mr. Sanjay Lao, ASC and
Mr.Siddarth Sindhu, Advocate along
with Inspector Mukhtiar Singh, PS-
Chhawla, for the State.

+ **W.P.(CRL) 1648/2016**

BIJENDER & ORS

..... Petitioners

Through: Mr. Vikas Yadav & Ms. Upma
Yadav, Advocates along with
petitioner in person.

versus

PRADEEP & ANR

..... Respondents

Through: Mr. Sanjay Lao, ASC and
Mr.Siddarth Sindhu, Advocate along
with Inspector Mukhtiar Singh, PS-
Chhawla, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

28.07.2016

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1. These two writ petitions have been filed by the respective petitioners

to seek quashing of FIR No. 199/2012 dated 03.09.2012 registered at Police Station – Chhawla and FIR No. 200/2012 dated 03.09.2012 registered at Police Station – Chhawla respectively. The first FIR was registered under Section 420/ 448/ 467/ 471/ 34 IPC and the second FIR was registered under Section 420/ 468/ 471/ 34 IPC. The petitions are premised on settlement arrived at between the petitioners in the two cases, who are the complainants in respect of the FIRs registered by them.

2. It appears that both the petitioners staked claim to a property on the basis of the documents executed in their respective favour by one Anoop Maheswari. Whereas the documents relied upon by the petitioner Bijender (petitioner in W.P.(CRL) 1648/2016) were found to be genuine by the FSL, the documents relied upon by the petitioner Pradeep (petitioner in W.P.(CRL) 1631/2016) were not found to be genuine. Petitioner Pradeep has now agreed that the property shall be recognised as belonging to Bijender.

3. Learned counsel for the petitioner Pradeep submits that in his complaint he had named Anoop Maheswari as an accused since he has been defrauded by Anoop Maheswari. He submits that he shall pursue his remedy against Anoop Maheswari.

4. It has been agreed that the complaint on the basis of which FIR has been registered against Bijender may be quashed so far as Bijender is concerned. The petitioner Bijender is agreeable to the quashing of the FIR registered against Pradeep, i.e. FIR No.199/2012 since Pradeep has now recognised his title to the property in dispute.

5. The petitioners in both the matters, namely, Pradeep, Bijender, Devender and Amit are present in Court. Learned counsel Mr. Vikas Yadav appears for the petitioners in both the petitions and identifies the said parties. They have also produced their respective identity proofs to establish their identity. Photocopies of the same have also been placed on record along with photographs.

6. The complainants in respect of the FIRs state that they do not wish to pursue their complaints since they have settled their disputes with the accused.

7. Accordingly, no useful purpose would be served in keeping the aforesaid FIRs pending and they are hereby quashed.

8. At the same time, considering the fact that the documents relied upon by Pradeep have been found to be not genuine and it is still not clear whether, or not, the petitioner Pradeep was responsible for the forgery or whether Anoop Maheswari is responsible for the same, the petition preferred by Pradeep, i.e. W.P.(CRL) 1631/2016 is allowed and the FIR No.199/2012 is quashed subject to deposit of costs of Rs.30,000/- in the Prime Minister's National Relief Fund. The said costs be deposited within two weeks and the copy of the receipt shall be provided to the Investigating Officer.


VIPIN SANGHI, J

JULY 28, 2016

B.S. Rohella