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

+ CRL.M.C. 3338/2016 & CrI.M.A. 14136/2016 (stay)

G S BATRA

..... Petitioner

Represented by: Mr. Kaushal Budhia, Adv.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with SI Narender Kumar PS
Prasad Nagar.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.11.2016

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By the present petition the petitioner seeks quashing of FIR No. 123/2011 under Sections 420/468/471/34 IPC registered at PS Prasad Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR the petitioner is the only accused and respnodent No.2 the only complainant/victim.

As per the status report the petitioner was the owner of property bearing H.No.T-5288, Hardayan Singh Road, Krishna Nagar, Karol Bagh which comprise of having 6 flats therein. The entire property was mortgaged on 8th August, 2008 to the Jammu and Kashmir Bank in January

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2011. Despite the fact that the property was mortgaged to the Jammu and Kashmir Bank, Patel Nagar Branch, the petitioner sold all the 6 flats to 6 different persons and when the factum that the property had already been mortgaged was revealed to the 6 buyers, 6 FIRs being FIR Nos. 121-126/2011 were registered pursuant to directions under Section 156(3) Cr.P.C.

Learned APP for the State on instructions from the investigating officer submits that now the loan taken from the Jammu and Kashmir Bank has been discharged by the petitioner and the property is free from encumbrances. Thereafter the petitioner has entered into a settlement with all the 6 purchasers including the respondent No.2 who purchased the flat on the ground floor front portion. She further clarifies that in the present FIR i.e. FIR No.123/2011 interest of respondent No.2 Ms. Sushma Anand is involved who purchased the front flat on the ground floor.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. She states that she has settled the matter with the petitioner. The petitioner has executed a sale deed in favour of the respondent No.2 in respect of the flat afore-noted which has been duly registered. She states that she has settled the matter with the petitioner and she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Since the parties have settled the matter and 4 other similar FIRs registered against the petitioner have been quashed, no useful purpose would be served in continuing with the trial. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 123/2011 under Sections 420/468/471/34 IPC registered at PS Prasad Nagar, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioner depositing a cost of ₹1 lakh out of which a sum of ₹75,000/- will be paid to the respondent No.2 and the balance amount of ₹25,000/- will be deposited with the Prime Minister's Relief Fund within four weeks.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 24, 2016
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