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

+ W.P.(CRL) 1845/2016

PRITHVI RAJ BHASIN

..... Petitioner

Through: Mr. Sanjay Kumar, Adv. with
petitioner and respondent no. 3 in
person.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Kamna Vohra, ASC with SI
Kamlesh Kumar, P.S. Ranjit Nagar.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.09.2016

File is taken up today as 13th September, 2016 was declared holiday
on account of Idu'l Zuha.

On the complaint of respondent no.2, present FIR No. 295/13 under
Sections 420/468/471/34 IPC was registered at police station Ranjit Nagar
against the petitioner and respondent no.3. Complainant alleged in the FIR
that he purchased second floor of property bearing no. XVII/3304, Ranjit
Nagar, Delhi - 110008 from the petitioner and respondent no.3, who claimed
themselves to be the joint owners of the said property. Complainant
purchased the said property for ₹18 lacs. Petitioner and respondent no. 3
assured that property was free from mortgage. Sale deed was executed on
10th December, 2009 by the petitioner and respondent no. 3 in favour of

respondent no.2. Subsequently, respondent no.2 came to know that property was mortgaged with Allahabad Bank against the loan of ₹25 lacs.

It is submitted that petitioner and respondent no. 3 have settled their disputes with the Allahabad Bank for ₹29 lacs. It is submitted that settled amount has already been paid to the aforesaid Bank which has issued No Dues Certificate dated 9th January, 2014. Original chain of documents in respect of the entire property of which respondent no.2 has purchased second floor, has been returned by the Allahabad Bank to the respondent no.3. It is further submitted that petitioner and respondent no. 2 have settled their disputes vide Settlement Agreement dated 11th March, 2016. Respondent no. 2 is present in Court and has been identified by SI Kamlesh Kumar of police station Ranjit Nagar. Petitioner and respondent no. 3 are also present in Court. Respondent no. 3 has handed over complete chain of original documents in respect of the entire property to the respondent no.2. Respondent no. 2 submits that he has no objection in case the FIR is quashed since property is now free from all encumbrances in view of the settlement arrived at between the petitioner, respondent no. 3 and the Allahabad Bank. Respondent no.2 has assured that he would hand over the photocopy of original chain of documents to the owners of the different portion, if

demanded. He has further assured that he would also allow the owners of other floors to inspect the documents.

Keeping in mind that petitioner and respondent no. 2 have settled their disputes amicably and respondent no. 2 is no more willing to pursue his complaint, FIR No. 295/13 under Sections 420/468/471/34 IPC registered at police station Ranjit Nagar and the consequent proceedings emanating therefrom are quashed.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

SEPTEMBER 14, 2016

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