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

+ **W.P.(CRL) 3288/2016**

PRAVEEN TANEJA & ORS.

..... Petitioner

Through: Mr. Subhash Chand, Advocate

versus

STATE & ANR.

..... Respondent

Through: Mr. R.S. Kundu, ASC with SI
Praveen, PS Jagatpuri
Mr. Manish Chauhan for R-2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

05.12.2016

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Crl.M.A. No. 17763/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(CRL) 3288/2016

Issue notice. Notice is accepted on behalf of the State. The status report tendered in court is taken on record. Respondent No.2 is present with her counsel and accepts notice. Respondent No.2 is identified by the I.O. as well.

The petitioners have preferred the present writ petition to seek the quashing of FIR No.139/2015 registered at PS Jagatpuri under Section

420/120B/34 IPC and the proceedings arising therefrom. The same is premised on a settlement arrived at between the parties.

The aforesaid FIR came to be registered at the instance of the complainant, who is the purchaser of the suit property from petitioner no.1 through his attorney petitioner no.2. Petitioner no.3 is a witness to the documentation prepared. It was represented to the complainant that the property was free from all encumbrances, whereas a loan had been obtained against the said property by petitioner no.1 who had acquired title from petitioner No.2. After obtaining the loan, he had executed a power of attorney in favour of petitioner no.2. Petitioner no.2, accordingly, sold the property to the complainant by making a false declaration that the property was not encumbered.

The loan taken from the bank has now been settled. The Urban Bank Ltd. has issued a certificate that the loan stands closed as on 08.08.2016. The petitioners have acknowledged the transfer of title of the property in question in favour of respondent no.2. In these circumstances, respondent no.2 does not wish to pursue the complaint and joins the prayer for quashing of the FIR.

Learned counsel for the petitioner has submitted that to atone for their conduct, the petitioner no.1 is willing to be subjected to such terms as this court may consider appropriate.

Accordingly, no useful purpose would be served in proceeding further with the FIR in question and the proceedings emanating therefrom. The same are hereby quashed subject to deposit of Rs.20,000/- with Prime Minister's National Relief Fund by petitioner no.1 within two weeks. Copy of receipt of deposit be provided to the I.O. and whereafter the case shall be

closed.

DECEMBER 05, 2016

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VIPIN SANGHI, J