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

+ W.P.(CRL) 2860/2016

MOHD ABRAR & ORS

..... Petitioners

Through: Mr. Niraj Chaudhry, Adv.

versus

STATE & ORS

..... Respondents

Through: Mr. Ashish Aggarwal, ASC for State
with SI Bharat, P.S Burari.

Mr. A.S. Sharma, Adv. for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.10.2016

Present FIR 711/2014 was registered against the petitioners under Sections 420/468/471/120-B/34 IPC at police station Burari, North District, on the complaint of respondent nos. 2 and 3. Respondent no. 2 and 3 alleged in the FIR that petitioner no.1 had entered into an agreement to sell dated 5th November, 2013 whereby he agreed to sell plot ad measuring 30 square yards out of khasra no. 2/2, Village Wazirabad, Delhi known as Gali No.3, Sangam Vihar, Delhi – 84 for ₹13.50 lacs out of which ₹ 1 lac was received by petitioner towards earnest money. Petitioner nos. 2 and 3 are witnesses to the said agreement. Respondent nos. 2 and 3 again paid ₹5.50 lacs to the petitioner no.1 on 7th November, 2013. Again on 31st December, 2013, ₹6 lacs was paid to the petitioner no.1 and GPA, Agreement to Sell,

Affidavit, possession letter, Will etc. were executed on the same day. Subsequently, it was revealed that the said plot was not owned by petitioner no. 1.

Petitioners and respondent nos. 2 and 3 have settled their disputes amicably vide Agreement-cum-Settlement Deed dated 9th October, 2014. Petitioner no.1 has cancelled the earlier documents and has given another plot of land measuring 27 square yards out of khasra no. 244/6, Village Wazirabad known as Gali No.3, Sangam Vihar, Wazirabad, Delhi – 84 to the respondent nos. 2 and 3. Necessary documents are stated to have been executed by the parties in respect of the said plot.

In view of the settlement arrived at between the parties, respondent nos. 2 and 3 are not willing to pursue the FIR any further. Keeping in mind that a settlement has arrived at between the parties, the nature of disputes having civil flavour, the FIR No. 711/2014 under Sections 420/468/471/120-B/34 IPC registered at police station Burari, North District, which is at the investigation stage, is quashed subject to, however, costs of ₹ 25,000/- to be deposited by the petitioner no.1 with the Delhi High Court Legal Services Committee within four weeks. Receipt, evidencing deposit of cost, be handed over to the Investigating Officer.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

OCTOBER 06, 2016

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