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

+ W.P.(CRL) 3462/2016

NEERAJ RELAN

..... Petitioner

Through: Mr. Prasoon Kumar and Mr. Kshtiv
Kumar, Advs.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjay Lao, ASC with SI Sareen
Kharb, P.S. Dwarka South.
Mr. Saurabhavasthi, Adv. for R-2
along with Mr. Pramod Bagai,
Attorney of R-2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.12.2016

Crl. M.A. 18808/2016

Allowed, subject to all just exceptions.

Application is disposed of.

W.P. (Crl.) 3462/2016

FIR 668/15 under Sections 467/468/471/420/120-B/34 IPC was registered against the petitioner, on the complaint of respondent no.2. Respondent no. 2 alleged in the FIR that in the year 2003 Flat No.3, Rashi CGHS Ltd., Plot No.3, Sector-7, Dwarka, New Delhi was purchased by him in the name of his mother, who in turn executed a Will in favour of the

petitioner in the year 2003 itself. He has further alleged that in the year 2015 when he came to India he found that petitioner was in possession of the aforesaid flat.

Learned ASC for the State submits that during the investigation it was revealed that father of respondent no.2 had sold the said flat to the petitioner on forged documents. Father of the respondent no.2 has died. Respondent no.2 is living in United States of America and is represented through his Attorney-Shri Pramod Bagai, who is present in Court today and has been identified by SI Sanjeev of police station Dwarka South. Shri Pramod Bagai submits that matter has been settled between the petitioner and respondent no.2 (complainant) vide Memorandum of Understanding dated 3rd February, 2016. Attorney-Shri Pramod Bagai has identified the signatures of respondent no.2 on this document at point 'X'. He submits that respondent no.2 has paid Rs.10 lacs to the petitioner in terms of the Memorandum of Understanding and, in turn, petitioner has handed over the possession of the flat to him which he has taken on behalf of the respondent no.2-Harsh Oberoi. He further submits that he has got instructions from the respondent no.2 that respondent no. 2 is not willing to pursue the FIR any further and the same may be quashed.

Keeping in mind totality of the circumstances and the settlement arrived at between the parties, FIR 668/15 under Sections 467/468/471/420/120-B/34 IPC registered at police station Dwarka South and the consequent proceedings emanating therefrom are quashed.

Writ petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

DECEMBER 02, 2016

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