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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 879/2017**

RAMAN GUPTA

..... Petitioner

Through: Mr. Sumit Choudhary, Adv. along
with petitioner in person.

versus

STATE & ORS

..... Respondents

Through: Ms. Richa Kapoor, ASC for the State
with Mr. Ashish Negi and Ms. Seema
Patnaha, Advs. along with SI Manish
Kumar, P.S. Shalimar Bagh and Insp.
Surender Singh, DIU/N.West.
Respondent nos. 2 to 5 in person.

AND

W.P.(CRL) 881/2017
RAMAN GUPTA

..... Petitioner

Through: Mr. Sumit Choudhary, Adv. along
with petitioner in person.

versus

STATE & ORS

..... Respondent

Through: Ms. Richa Kapoor, ASC for the State
with Mr. Ashish Negi and Ms. Seema
Patnaha, Advs.
R-2, R-8 through her Attorney-B.K.
Mishra and R-10 are present in Court.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **22.03.2017**

By these petitions, petitioner has prayed for quashing of two FIRs,

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details whereof are as under :-

- a) FIR No. 271/2016 under Sections 420/467/468/471/120-B IPC registered at police station Shalimar Bagh on the complaint of B.K. Mishra (Respondent no.2 in W.P. (Crl.) 879/2017)
- b) FIR No. 276/2012 under Sections 448/457/380/420/467/468/471/120-B IPC registered at Police Station Shalimar Bagh on the complaint of Bharat Bhushan (respondent no. 2 in W.P. (Crl.) 881/2017)

Disputes involved in the above-mentioned FIRs revolve around the sale transactions of Flat No. BD-38, Ground Floor, Shalimar Bagh, Delhi-110088. This flat was originally allotted to one Sh. G.R. Sonkhela (father of complainant-Bharat Bhushan). Mrs. Chanchal, Mr. Vinay Kumar, Ms. Roopal, Mr. Kunal and Ms. Suman Lata (other legal heirs of Lt. Sh. G.R. Sonkhela) are respondent nos. 3 to 7 in W.P. (Crl.) 881/2017. Respondent no. 2 Bharat Bhushan, who is also one of the legal heirs of Lt. Sh. G.R. Sonkhela, holds the Power of Attorney in his favour duly executed by his brothers/sisters, who are respondent nos. 3 to 7.

The abovesaid flat was purchased by the petitioner Raman Gupta in the year 1990. Legal heirs of Lt. Sh. G.R. Sonkhela alleged that their father had breathed his last in the year 1987 therefore, could not have sold the flat in the year 1990. Accordingly, FIR No. 276/2012 was registered at police station Shalimar Bagh on the complaint of Mr. Bharat Bhushan.

It is noted that petitioner got the flat converted from lease hold to free hold from the Delhi Development Authority in the year 1997. Thereafter, he sold the same to Dr. Sanjay Kant Mishra in the year 2011. He also sold the flat to one Mrs. Priya Sehgal. Subsequently, the matter was settled between Dr. Sanjay Kant Mishra, Mrs. Priya Sehgal and the petitioner and pursuant thereof, a Sale Deed was executed by Mrs. Priya Sehgal in favour of Dr. Rita Mishra wife of Dr. Sanjay Kant Mishra. It is stated that petitioner returned the money taken by him from Mrs. Priya Sehgal back to her.

On coming to know that legal heirs of Lt. Sh. G.R. Sonkhela had lodged the FIR No.271/2016, Dr. Rita Mishra lodged FIR No. 271/2016 at police station Shalimar Bagh against the petitioner through her attorney B.K. Mishra (respondent no.2 in W.P. (Crl.) 879/2017), alleging therein that she was cheated by the petitioner.

It is noted here that Shri Bharat Bhushan (one of the legal heirs of Lt. Sh. G.R. Sonkhela) had also filed Crl. M.C. 2662/2015 and W.P. (C) 8508/2016 in this Court regarding this very flat. Petitioner also filed W.P. (Crl.) 1443/2016 for quashing of FIR No. 276/12 registered at Police Station Shalimar Bagh. In W.P. (C) 657/2015, the matter was referred to the Mediation Centre. It is submitted that parties have settled their disputes

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amicably before the Delhi High Court Mediation & Conciliation Centre on 8th February, 2017 vide Settlement Agreement, Annexure-C. Photocopy of the Annexure-C has been perused and I find that the same has been signed by Mr. Bharat Bhushan, Mr. Raman Gupta, Mrs. Rita Mishra through Mr. Binay Kant Mishra and Mrs. Priya Sehgal.

Mr. Bharat Bhushan, Mr. Raman Gupta and Shri B.K. Mishra (Attorney of Mrs. Rita Mishra) who are involved in these FIRs either as complainant or as accused, are present in Court. Dr. Sanjay Kant Mishra is also present. They submit that they have settled all their disputes regarding the flat in question voluntarily and without any undue force, pressure or coercion, therefore, both the FIRs may be quashed. In terms of the settlement, petitioner-Raman Gupta has paid ₹5 lacs and Dr. Rita Mishra has paid ₹3 lacs to Mr. Bharat Bhushan (respondent no.2) vide three demand drafts photocopies whereof have been placed on record. Mr. Bharat Bhushan has also handed over the original documents to Mr. B.K. Mishra, Attorney of Dr. Rita Mishra, in presence of Dr. Sanjay Kant Mishra.

Keeping in mind the settlement arrived at between the petitioner and private respondents before the Delhi High Court Mediation & Conciliation Centre, in the interest of justice, FIR No. 271/2016 under Sections

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420/467/468/471/120-B IPC and FIR No. 276/2012 under Sections 448/457/380/420/467/468/471/120-B IPC both registered at police station Shalimar Bagh and the consequent proceedings emanating therefrom are quashed.

Both the above-noted writ petitions are disposed of in the above terms. Miscellaneous applications are disposed of as infructuous.


A.K. PATHAK, J.

MARCH 22, 2017
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