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

+ **CRL.M.C. 2048/2016 & CrI. M. A. No.8676/2016**

ROHTASH YADAV & ANR. Petitioners

Through: Mr. Satinder Singh and Ms. Nandini
Nagpal, Advocates.

Versus

STATE (NCT OF DELHI) & ORS. Respondents

Through: Mr. Tarang Srivastava, Addl. Public
Prosecutor for the State.

Mr. Praveen Kumar, Advocate for
Respondents No. 3 and 4 with
Respondents No. 3 and 4 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **11.12.2017**

The respondents No. 3 and 4 are present in the Court. They do not have a counsel. In the circumstances, Mr. Praveen Kumar, Advocate, present in the Court is appointed as their counsel for the day. The said respondents had filed a complaint against petitioners No. 1 and 2 apropos the sale of the property concerned by one Mr. Ajay Arora.

This Court on 14.10.2015 in connected W.P.(CRL.) No. 1905/2015 had recorded as under:-

“ The petitioners seek quashing of the FIR No.423/2015 (PS Roop Nagar) which has been instituted at the instance of respondent nos.3 & 4 for offences under Sections 420/468/471/120-B of the IPC.

The allegation in the FIR is that the property in question was purchased by the petitioners by a registered sale deed on 31.10.2012 from one Ajay Arora. After the conveyance of the

aforesaid property to the petitioner by the aforesaid sale deed, the vendor, Ajay Arora, one of the coaccused persons in the FIR was permitted to stay in the building as a tenant on a monthly rental of Rs.1 lac. In the mean time, it has been alleged, the vendor, Ajay Arora, entered into an agreement with respondent nos.3 & 4 for sale of the same property which was conveyed to the petitioners and also accepted money towards such agreement to sell. It was only later that the complainants came to learn that the property was earlier sold to the petitioners. The petitioners were made accused in the present case along with the vendor of the property on the presumption that since the petitioners were also having some kind of business relationship with Ajay Arora, the vendor, they may be hand in gloves with Ajay Arora in duping various prospective customers.

The status report indicates that the property in question was sold to the petitioners by Ajay Arora by a registered sale deed dated 31.12.2012. Thereafter Ajay Arora was given the same premises on rent. During investigation of the case, the rent agreement and all the original documents relating to the property in question was seized by the police.

After respondent Nos.3 & 4 realised that the petitioners did not have any role in duping him, they went for a settlement and a memorandum of understanding was drawn up.

According to the memorandum of understanding, the petitioners, in order to make up for the losses suffered by respondent Nos.3 & 4, have agreed to pay an amount of Rs.25 lacs in all to respondent nos.3 & 4.

Two demand drafts of Rs. 12.5 lacs each has been handed over to the counsels appearing for respondent nos.3 & 4 in the Court and the same has been accepted.

The investigation of the case with respect to the elements of conspiracy is still in progress. Ajay Arora, one of the co-accused, is in judicial custody in connection with the case.

Let a fresh status report be filed by the State bringing on record the stage of the investigation and the materials garnered against co-accused Ajay Arora.

In the mean time, let no coercive steps be taken against the petitioners.

Renotify on 08.02.2016.

Dasti.”

Mr. Kumar states upon instructions that the said respondents/complainants had indeed received the monies as recorded in the aforesaid order and they do not wish to pursue their complaint against the petitioners, namely, Mr. Rohtash Yadav and Mr. Ramesh Bhatia. The respondents No. 3 and 4 have been identified by the Investigating Officer and their identity proof is taken on record. Insofar as the complainants do not wish to pursue any dispute against the petitioners, especially in view of their undertaking, the substratum of the prosecution case against them whatever it be, would be largely eroded and the proceedings against the petitioners would be an exercise in futility.

In the circumstances, the summons issued by the Trial Court against the petitioners and the consequential proceedings against them are hereby quashed. It is clarified that the proceedings against the other accused in the case shall remain unaffected by this order.

The petition, alongwith pending application, stands disposed off in the above terms.

NAJMI WAZIRI, J.

DECEMBER 11, 2017/sb