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

+ **W.P.(CRL) 3189/2017**

SANDEEP KOHLI

..... Petitioner

Through: **Mr.Puneet Khurana, Advocate with
petitioner in person**

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: **Mr.Rajesh Mahajan, ASC for the
State with SI Surender Singh
PS Sec 23 Dwarka
Respondent No.2/complainant in
person**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.11.2017

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., petitioner is seeking quashing of case FIR No.0026/2016 under Sections 420/406 IPC registered at PS Sector 23, Dwarka and the proceedings emanating therefrom on the basis of settlement.

2. Brief facts leading to filing of the present petition are that petitioner, who was having membership bearing No.442 of Bhagwati Co-operative Group Housing Society Ltd., Plot No.8, Sector-19B, Dwarka, New Delhi persuaded the respondent No.2/complainant to purchase his aforesaid membership for a total sale consideration of ₹80,00,000/- (Rupees Eighty

Lakhs only) and also entered into an agreement. In consideration of the aforesaid sale amount of ₹80,00,000/-, respondent No.2/complainant at the request of the petitioner deposited a sum of ₹30,00,000/- directly with the Bhagwati Co-operative Group Housing Society Ltd. on account of his outstanding dues. Thereafter, the petitioner also after receiving the aforesaid sale consideration amount, executed and signed the following documents in favour of respondent No.2/complainant:-

- (a) General Power of Attorney dated 28th August, 2012;
- (b) Will dated 28th August, 2012;
- (c) Affidavit dated 28th August, 2012;
- (d) Possession letter dated 28th August, 2012;
- (e) Agreement to sell and purchase dated 28th August, 2012;
- (f) Undertaking dated 28th August, 2012;
- (g) Indemnity Bond dated 28th August, 2012;
- (h) Receipt

3. Although the aforesaid documents were executed and signed by the petitioner in favour of respondent No.2/complainant but no sale deed was executed by the petitioner in favour of the respondent No.2/complainant qua his aforesaid membership. Due to the aforesaid conduct of the petitioner, on 29th October, 2015 respondent No.2 lodged the complaint with the police which resulted into FIR in question against the petitioner.

4. It is also stated that on 6th November, 2017 due to the intervention of the respectable persons of the society and common friends, both the parties settled their disputes amicably. Copy of the aforesaid settlement arrived at between the parties is annexed as Annexure P-2 to the present petition.

5. Learned counsel for the petitioner submits that the petitioner and the respondent No.2 have amicably resolved their dispute with the intervention

of respectable persons of the society and common friends. He further submits that since the parties have settled their dispute amicably, no useful purpose would be served by continuance of criminal proceedings against the petitioner. Counsel thus prays for quashing of the FIR and all subsequent proceedings arising out of said FIR qua the petitioner.

6. Respondent No.2 is present in Court today and also confirms the factum of amicable settlement with the petitioner. He submits that he has no objection if the FIR in question qua petitioner and all consequential proceedings arising out of the same are quashed.

7. In view of the legal position laid down in *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257* and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR No.0026/2016 under Sections 420/406 IPC registered at PS Sector 23, Dwarka and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs.

PRATIBHA RANI, J

NOVEMBER 17, 2017

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