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

+ W.P.(CRL) 203/2017

SUNIL TYAGI

..... Petitioner

Represented by: Mr. Anil Sehgal, Adv.

versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Represented by: Ms. Richa Kapoor, ASC with
SI Vijay Kumar PS Burari.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.01.2018

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By this petition the petitioner seeks quashing of FIR No. 442/2016 under Sections 420/120B IPC registered at PS Burari and the proceedings pursuant thereto on the ground that the parties have settled the matter.

The above-noted FIR was registered on the complaint of one Jeewan Singh who levelled allegations against Sunil Kumar Tyagi and Dheeraj Tyagi for selling the land admeasuring 3300 sq. yds. out of Khasra No.9/19 and 9/21 situated in the revenue estate of village Kamalpur Mazra, Burari, Delhi. Complainant Jeewan Singh claims to have purchased the land from Sunil Kumar Tyagi.

A status report has been filed which shows that the chain of sale deeds cannot be relied upon for the reason the land in question is an agricultural land measuring approximately 31 Bigha in Khasras No. 9/13, 9/18, 9/19,
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9/21, 9/22, 9/23 & 9/24 situated in village Kamalpur Majra, Burari and Gram Sabha claims this land to be its and a dispute in regard thereof is pending with the Deputy Commissioner, Darya Ganj, which fact has been concealed by the complainant. Further, in respect of the selling of the unauthorized Gram Sabha land three FIRs have been registered against the co-accused Dheeraj Tyagi and one complaint is pending on the complaint of Bimlesh Tyagi.

Thus, without returning any finding whether the land is of Gram Sabha or not which the parties will get adjudicated in the respective proceedings, considering that the matter involves land not belonging to the complainant/ or the accused and the ownership of the land has to be ascertained by Civil Authorities, this Court finds no ground to quash the FIR on the basis of compromise.

Petition is dismissed.

MUKTA GUPTA, J.

JANUARY 16, 2018
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