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

+ **CRL.M.C. 3951/2018**

SHRI MANOJ KUMAR CHOPRA Petitioner
Through **Mr.D.K. Sharma, Adv. with Mr.Vikas
Sharma, Adv.**

versus

STATE (NCT OF DELHI)& ANR Respondents
Through **Ms.Manjeet Arya, APP for the State.
SI Raghubir Singh, PS Binda Pur.
Respondent no.2 in person.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **14.12.2018**

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioner seeks quashing of FIR No.937/2014 registered u/s 420/468/471/34 IPC at P.S Bindapur, Delhi on the basis of a Memorandum of Understanding dated 31st July, 2018.

2. Mr.Sharma, learned counsel for the petitioner submits that the respondent no.2 had approached the petitioner in connection with the purchase of property whereafter an agreement to sell was entered into between them. Though the respondent no.2 had paid some amount as advance to the petitioner, the sale did not materialise due to some misunderstanding between the parties. In these circumstances, the respondent no.2 lodged a complaint against the petitioner leading to the registration of the aforesaid FIR.

3. Learned counsel for the petitioner submits that with the intervention of some other property dealers of the area, the parties have now resolved their disputes amicably and entered into a Memorandum of Understanding dated 31st July, 2018. He further submits that the respondent no.2 has been returned the entire amount paid by him to the petitioner and states that the petitioner is willing to bear any costs as may be directed by this Court. He, therefore, prays that the captioned FIR and proceedings emanating therefrom be quashed.

4. The petitioner as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2/complainant, who states that he has decided to resolve all his differences with the petitioner of his own free will and has entered into the settlement without any coercion. He further submits that he does not want the aforesaid criminal proceedings to continue as he has received back the entire amount paid by him and, therefore, does not want any further acrimony with the petitioner.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the FIR emanates from a dispute between the parties arising out of an agreement to sell, which dispute stands resolved amicably between them, no useful purpose will be served in continuing with the criminal proceedings as the same will not only cause hardship to the parties but will also cause further acrimony between them. . In my view, the ends of justice demand that the captioned FIR and consequential

proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioner paying a sum of Rs.50,000/- as costs to the to the Border Security Force Welfare Fund Account No.10591438648, IFC SBIN0007837, within eight weeks from today, as prayed for. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 14, 2018/aa