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

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**W.P.(CRL) 2665/2018 & CrI. M.A. Nos. 31568-69/2018**

TILAK RAJ ARORA & ANR.

..... Petitioners

Through: Mr. Rakesh Mahajan and Mr. Raghav  
Mahajan, Advocates.

Versus

STATE & ANR.

..... Respondents

Through: Mr. Avi Singh, Additional Standing Counsel  
for State.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

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**17.09.2018**

This petition seeks quashing of FIR No. 597 of 2017 registered at Police Station Samaipur Badli, Delhi, under sections 420/406/34/120-B IPC. The aforesaid FIR was registered on a complaint made by one Mr. Rajesh Jain, alleging that monies were given to the petitioners as advance (*bayana*) for purchase of certain lands in Delhi. Neither any money was returned to him nor was any plot of land transferred to him. According to the petitioners' own admission in the petition (para g at page 15), they have returned Rs.13 lacs in lieu of the Rs. 7 lacs received from the complainant. However, Mr. Avi Singh, the learned Additional Standing Counsel for the State submits that no documentary proof or evidence or other corroborative material has been produced by the petitioners in support of the said contention, therefore, it is a bald statement. He further submits that the investigation apropos the complaint is in progress, hence, this petition is premature.

The FIR alleges that the petitioner No.1 – Tilak Raj Arora knew fully well that he was not the owner of the property, which he had sought to sell to respondent No.2, therefore, the parting of monies to him by the complainant was on a fraudulent representation.

The learned counsel for the petitioners submits that there is no element of fraud because the complainant knew fully well that Tilak Raj Arora was not the owner of the property. Mr. Avi Singh, the learned counsel for the State submits that it is rather odd that a person would part with his hard earned monies i.e. Rs. 7 lacs for purchase of a property to a person, who never had the property in the first place.

Be that as it may, these are issues yet to be investigated. The Court finds no merit in the petition. It is, accordingly, dismissed.

**NAJMI WAZIRI, J.**

**SEPTEMBER 17, 2018**

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