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

+ CRL.M.C. 4427/2017

DEEPAK GOYAL

..... Petitioner

Through Mr. R.K. Handoo, Mr. Aditya
Chaudhary and Mr. Nishant Kumar,
Advs

versus

THE STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through Ms. Meenakshi Dahiya, APP with SI
Pratap Singh, P.S. Punjabi Bagh for
the State
Mr. U.P. Singh, Adv. for respondent
no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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09.01.2018

Crl. M.A. no.21439/2017 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

Crl. M.A. no.21438/2017 (directions) and CRL.M.C. no. 4427/2017

198 bags of Betel Nuts, which were kept in the Mussoorie Cold Storage (respondent no. 3) by the petitioner were seized by the police in FIR No. 520/2017 registered on the complaint of respondent no. 2. Mr. Anurag Garg was the main accused in the said FIR. Petitioner was also named in the FIR. Subsequently, FIR was quashed vide order dated 13th December,

2017 passed in Crl. M.C. No. 5227/2017, in view of the compromise entered into between the respondent no. 2 and Anurag Garg.

Prior thereto, vide order dated 25th October, 2017 trial court record had ordered for release of 198 bags of Betel Nuts. to respondent no. 2 on superdari, on an application filed by the respondent no.2. Notice of the said application was not given to the petitioner, nor was he informed about the quashing petition. Petitioner has claimed that he is the actual owner of the 198 bags of Betel Nuts.

By this petition under Section 482 Cr.P.C. petitioner has assailed the order dated 25th October, 2017. It is contended that petitioner is the original owner of 198 bags of Betel Nut and it is he who had kept the said bags in the Mussoorie Cold Storage, that is, respondent no. 3 and the case property could have been released to him only.

Respondent no. 2 has no objection in case impugned order is set aside and 198 bags of Betel Nuts are released to petitioner. Accordingly, impugned order is set aside. It is ordered that 198 bags of Betel Nut be released to the petitioner by respondent no. 3 forthwith. Costs of ₹20,000/- is also imposed on the respondent no. 2 which shall be paid by him to petitioner within four weeks, failing which FIR shall get revived.

Application is disposed of in the above terms.

A.K. PATHAK, J.

JANUARY 09, 2018

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