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

+ **W.P.(CRL) 3933/2018**

RAJIV CHHABARA & ANR

..... Petitioner

Represented by: Mr. Pradeep Choudhary, Mr. Vikrant
Choudhary, Advs.

versus

STATE GNCT OF DELHI & ORS

..... Respondent

Represented by: Mr. Avi Singh, ASC for Ms. Richa
Kapoor, ASC with SI Imnan Khan PS
Paschim Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

21.12.2018

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CrI.M.A. 50520/2018

Exemption allowed subject to just exceptions.

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By this petition the petitioner seeks quashing of FIR No. 28/2016 under Section 406 IPC registered at PS Paschim Vihar on the complaint of respondent No.2 alleging that the petitioner misrepresented to the complainant and his wife resulting into execution of the MOU dated 5th November, 2014 pursuant whereof documents of the property were transferred to the petitioners on their representation that they have the capability to get the necessary plan sanctioned.

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Despite the time having elapsed no sanctions were got approved. It is stated that it is on the promise of the petitioners that the original chain documents, sale deeds with the complainant's wife and his cousin Arun Khurana were handed-over to the petitioner No.2 being the agent to ensure proper use of the original documents only for sanctioning of the building plan and return of the same to the complainant. Despite repeated reminders neither the documents were being returned nor the stage of sanction was being informed. When the respondent No.2 got to know that the petitioners were indulging in selling the property he filed the complaint.

Learned counsel for the petitioner states that since there was no demand, ingredients of offence punishable under Section 406 IPC are not made out. In Para 14 of the complaint it is clearly stated by the complainant that the complainant approached the offender No.2 for return of sale deed on 21st July, 2015 itself but he bluntly refused and told the complainant that he could do whatever he wanted to do.

Considering the nature of allegations this Court finds no ground to quash the FIR and the proceedings in question on merits.

Before closing the order it would be appropriate to note that the petitioner No.1 had earlier also filed a writ petition seeking quashing of the FIR in question being W.P.(CRL) 1189/2017 which after some hearing was withdrawn vide order dated 25th April, 2017. Hence in any case this second petition for same prayer is not maintainable.

Petition is dismissed.

MUKTA GUPTA, J.

DECEMBER 21, 2018 /'ga'
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