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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 2133/2016**

**MAHENDER SINGH & ORS** ..... Petitioners  
Through: Petitioner no.1 in person.

versus

**THE STATE (N.C.T OF DELHI) & ORS** ..... Respondents  
Through: Mr. Sanjeev Sabharwal, APP for the  
State with SI Chandan, PS K.N.K.  
Marg.  
Respondent no.2 in person.  
Mr. B. Harikant, Adv. for R-3.

**CORAM:**  
**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**  
% **29.01.2019**

The present petition was filed invoking the inherent power and jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to pray for quashing of the proceedings arising out of first information report (FIR) no. 98/2012 of police station K.N. Katju Marg, statedly described as a case involving offences punishable under Sections 406/420/120B/34 of Indian Penal Code, 1860 (IPC). The four petitioners are stated to be persons arraigned as accused in the criminal case in which report (charge-sheet) under Section 173 Cr.P.C. is stated to have been already filed. The prayer for quashing is made on the basis of settlement agreement executed on 01.08.2014 at Delhi Mediation Centre, Rohini District Courts to which the second respondent (complainant) of the

FIR is a party, he having received from the petitioners a total amount of Rs. 18 lakhs in consideration of he handing over to the petitioners the original title documents of the property in dispute i.e. B-1/99, Sector 17, Rohini, Delhi.

When this petition came up for hearing on 06.10.2016, it was pointed out by the respondent/State that the case involved two other accused persons, they being Tundi Singh and his son Rajesh, who had been left out from the settlement agreement. It was also pointed out that Tundi Singh had already died. A counsel on behalf of the said other accused Rajesh son of Tundi Singh appeared on the said date and submitted that the petition ought not be allowed as the settlement had been reached without joining him. Against this backdrop, the Court directed Rajesh son of Tundi Singh to be impleaded as third respondent, the petitioner being called upon to submit amended memo of parties. The said order has not been complied with till date.

Be that as it may, the objections of Rajesh son of Tundi Singh were reiterated and noted yet again in the proceedings of 25.11.2016 against which backdrop the petitioner had sought adjournment. Ever since, the petition has been adjourned from time to time mostly at instance of petitioners, the order for amended memo of parties to be filed being reiterated but not complied with.

When the petition is taken up today, the counsel for Rajesh son of Tundi Singh also pointed out that the petitioners have tried dishonestly to down play the gravity of the offences involved in that the petition has been filed giving the impression that the case involves only offences under

Sections 420/406/120B/34IPC which is how the settlement agreement dated 01.08.2014 would also perceive the case to be, the case actually involving offences under Sections 467/468/471/506 IPC, there being allegations of forgery and fabrication of the documents relating to the property in dispute. It is also submitted by the counsel representing Rajesh son of Tundi Singh that in civil suit a decree has been passed in respect of the subject property in his favour, the second respondent (complainant) being the judgment debtor, the settlement agreement entered upon by him being a dishonest way to wriggle out of the effect of the said decree. On being asked, the second respondent comes out with a plea of ignorance.

It is clear that the settlement agreement is not comprehensive so as to settle the dispute fully and finally between all stakeholders, the gravity of the offences involved also having been overlooked. In these circumstances, it is deemed not desirable for this Court to exercise the power under Section 482 Cr.P.C. to bring an end to the criminal case on such petition.

The petition is dismissed.

**R.K.GAUBA, J**

**JANUARY 29, 2019**

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