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

+ **W.P.(CRL) 3932/2018 & CRL.M.A. 50518/2018**

KADEER AHMAD & ORS.

..... Petitioners

Through Mr M.A. Niyazi, Mr Anamika Ghai
Niyazi, Advocates for P.1.
Mr Tushar Singh, Mr Parth Sanathy,
Mr Mohammad, Ms Pankhuri, Advocates for R2.

versus

STATE & ORS.

..... Respondents

Through Mr Rahul Mehra, Standing Counsel
Mr Chaitanya Gosain, Mr Amarpret Singh,
Advocates. Insp. Ravi Kant, DIU/SE Dist present.
Mr Anil Kumar Chandel, Advocate for R2.
Mr Raees Khan, Advocate for R3 & R4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.11.2019

1. The petitioners have filed the present petition, *inter alia*, praying that FIR No. 0157/2018 under Sections 420/468/471/34 of the IPC registered with PS Jamia Nagar and all proceedings emanating therefrom, be quashed.
2. The petitioners state that they are *bona fide* purchasers of a property admeasuring 400 square yards out of Khasra No. 372 situated in Tehsil Jasola Mehrauli.
3. The said FIR was registered at the instance of Mohammad Ashar (hereafter 'the complainant'). He had alleged that he had been cheated by the erstwhile owners of the said land (respondent no.3 and 4). A plain

reading of the FIR in question also indicates that the complainant has also alleged that the petitioners herein are also involved in the conspiracy of cheating him.

4. Apparently, the complainant was a constituted attorney of respondent no.4 and had represented the said respondent in a Civil Suit CS (OS) No. 1873/2012 captioned '*Arshad Zamal Siddiqui & Anr. V. Ravinder Singh & Ors*'. Respondent nos. 3 and 4, who were plaintiffs in the said suit, had initiated the said action in respect of the property admeasuring 1000 sq. yards located in Khasra No. 372 situated in the area of village Jasola, Tehsil Mehrauli, New Delhi.

5. The said suit was decreed on 08.09.2014, in terms of a compromise arrived at between the parties therein. In terms of the said decree, the plaintiffs therein (respondent nos. 3 and 4) were required to pay a sum of ₹2.51 crores for 400 Sq yards of the suit property and ₹5.4 crores for 600 Sq yards of the suit property. The said decision dated 08.09.2014 also records that the attorney of the plaintiff therein (that is the complainant) had deposited a sum of ₹2.85 crores with the Registry of this Court. The complainant's grievance is that despite making payment in terms of an agreement with the plaintiffs therein (respondent nos. 3 and 4), his possession of the said property has been interfered with.

6. The petitioners claim to be *bona fide* purchasers of the said property, however, that question which is required to be investigated is the complainant's allegation that the said respondents are a part of a conspiracy to defraud him. Although it does appear that the dispute is, essentially, a civil dispute between the parties but the Complainant has alleged that he has been cheated by the persons named in the said FIR and has also indicated his

reasons for claiming so. Clearly, if the said FIR is accepted on its face value it does disclose a commission of an offence. Therefore, this Court does not consider it apposite to quash the FIR in question.

7. The petition is, accordingly, dismissed. The pending application is also disposed of.

NOVEMBER 20, 2019

pkv

VIBHU BAKHRU, J