

\$~19

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

% *Date of decision: September 26, 2022*

+ **CRL.M.C. 5029/2019**

KAMAL KUMAR THAPAR & ORS Petitioners
Through: Mr. N.K. Kukreja and Mr. Amit
Biswas, Advocates with petitioners in
person.
versus

STATE & ORS Respondents
Through: Mr. Hitesh Vali, APP for State/R-1
Mr. Anshu Priyanka and Mr. Rohit
Chaturvedi, Advocates for SDM(HK).
Mr. Chittaranjan Hati, Advocate for
R-3.

CORAM:
HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN
J U D G M E N T (oral)

CRL.M.A. 16122/2022 (early hearing)

1. With the consent of the parties, the present writ petition is taken up for disposal today.
2. The application is accordingly disposed of.

CRL.M.C. 5029/2019

3. The present petition is filed under section 482 Cr.P.C. for quashing of complaint case bearing No. 26365/2017 titled as **Ram Chandra M. Singare SDM/RA V Kamal Kumar Thapar & Ors.** stated to be pending presently in the Court of Shri Sukhman Sandhu, Metropolitan Magistrate, South, Saket Courts/Successor Court.
4. K.C. Sood, father of the petitioner no. 3 was stated to be the owner in

possession of the property bearing No. C-1/62, Raju Park (Old No. 111, Sainik Farm), New Delhi. Thereafter, the petitioner no. 3 alongwith his mother, namely, Kaushal Sood who is the wife of K.C Sood , sold the said property to the petitioners no. 1 and 2.

5. The petitioner no. 3 and his mother Kaushal Sood filed a civil suit in the year 1999 bearing No. 66/1999 to claim possession of the property bearing No. C-1/62, Raju Park (Old No. 111, Sainik Farm), New Delhi against the petitioners no. 1 and 2 and the respondent no. 3. The respondent no. 3 also filed the counter claim in the said suit.

6. The petitioners no. 1 and 2 also filed a complaint under section 145 Cr.P.C. bearing complaint case No. 15/SDM/HK/2000 against the respondent no. 3 and petitioner no. 3. The respondent no. 3, filed an application under section 340 Cr.P.C. in complaint case under section 145 Cr.P.C. in the month of February, 2002. The concerned SDM decided the complaint case bearing No. 15/SDM/HK/2000 on 05.11.2001 and SHO, P.S. Ambedkar Nagar was directed to handover the possession of the said property to the petitioners no. 1 and 2. The petitioner no. 3 and his mother withdrew their civil suit bearing No. 66/1999 and the respondent no. 3 also withdrew her counter claim with the liberty to file fresh counter claim as and when required if the petitioner no. 3 and his mother preferred to file any fresh suit.

7. The respondent no. 3 challenged the order dated 05.11.2001 passed by the Court of concerned SDM by filing criminal revision petition bearing no. 26/2001 titled as **Laxmi Devi V State & Ors.** before the Court of Sessions Judge, Patiala House Court, New Delhi and Additional Sessions Judge vide order dated 18.05.2002 set aside the order dated 05.11.2001 and the

possession of the property was ordered to be handed over back to the respondent no. 3.

8. The petitioner no. 1 challenged the order dated 18.05.2002 passed by the court of Additional Sessions Judge by filing CRL.M.C. bearing No. 1964/2002 before this Court and this Court vide order dated 09.09.2009, confirmed the order passed by the Additional Sessions Judge and the petition was rejected.

9. The respondent no. 2 filed a complaint under section 195 Cr.P.C. bearing No. 26365/2017 against the petitioners and Kaushal Sood before the Court of Chief Metropolitan Magistrate, South, Saket Court in the year 2017 for the offences punishable under sections 177/182/186/201/203/209/420/34/120-B IPC.

10. The petitioner no. 3 again filed a civil suit for possession of the property against the respondent no. 3 in the year 2010 which was stated to be pending in the Court of Shri Vikas Dhul, Additional District Judge, Tis Hazari Courts wherein the respondent no. 3 also filed a counter claim.

11. The petitioner no. 3 and the respondent no. 3 have agreed to compromise their disputes and accordingly, the said civil suit was referred to Mediation Centre, Tis Hazari Courts in the month of December, 2018 but the dispute could not be settled.

12. During the pendency of the above-mentioned civil suit, Kaushal Sood had expired, thereafter, the concerned parties have settled their disputes vide Compromise Deed dated 04.07.2019. It is stated that the terms and conditions of the settlement have already been executed. The petitioner no.3 handed over the titled documents to the respondent no. 3 as per the Compromise Deed dated 04.07.2019 and the respondent no. 3 also delivered

a cheque of Rs.2,00,000/- bearing No. 000007 dated 26.09.2022 drawn on HDFC Bank to the petitioner no. 3.

13. The respective counsel for the parties stated that all the pending disputes between the parties have settled and the terms and conditions of the Compromise Deed dated 04.07.2019 have already been executed as such, the present petition be allowed and the complaint case bearing No. 26365/2017 titled as **Ram Chandra M. Singare SDM/RA V Kamal Kumar Thapar & Ors.** stated to be pending presently in the Court of Shri Sukhman Sandhu, Metropolitan Magistrate, South, Saket Courts/Successor Court be quashed.

14. The Additional Public Prosecutor for the State/respondent no. 1 stated that the concerned parties have settled their disputes as such, he does not have any objections if the present petition is allowed.

15. In view of the submissions made hereinabove and as the matter is amicably settled between the parties vide Compromise Deed dated 04.07.2019, terms and conditions of which have already been executed. After considering all facts and in the interest of justice, the present petition is allowed and the complaint case bearing No. 26365/2017 alongwith consequential proceedings including judicial proceedings stated to be pending presently in the Court of Shri Sukhman Sandhu, Metropolitan Magistrate, South, Saket Courts/Successor Court is quashed.

16. The present petition alongwith pending applications, if any, stands disposed of.

(SUDHIR KUMAR JAIN)
JUDGE

SEPTEMBER 26, 2022/N/M

CRL.M.C. 5029/2019

Page 4 of 4