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

+ **CRL.M.C. 2560/2023 & CRL.M.A. 9715/2023**

SIMMI ARORA & ANR.

..... Appellant/Petitioners

Through: Mr. Rajat Taneja, Advocate.

versus

THE STATE & ORS.

..... Respondents

Through: Mr. Amit Sahni, APP for State and SI
Manisha, PS Punjabi Bagh.
Ms. Radhika Gupta, Advocate with
R-2 and 3.

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Date of Decision: 13.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 9716/2023

Exemption allowed subject to just exceptions.

CRL.M.C. 2560/2023

1. The present petition has been filed for quashing of FIR No. 193/2008, registered at PS Punjabi Bagh under Section 468/471/34 of IPC.
2. Learned counsel for the petitioner submits that the facts, in brief, are that property no. 90, Janta Flats, Pocket-1, Paschim Puri, Delhi was sold by the petitioner to respondents no.2 and 3 for a consideration of Rupees

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Sixteen Lakhs Fifteen Thousand only for which the sale deed was duly executed on 18.03.2006. Learned counsel for the petitioner states that this property was already mortgaged with Corporation Bank and the said fact was duly informed to the buyers. However, subsequently, the buyers i.e; respondents no.2 and 3 lodged a complaint with the police alleging therein that cheating has taken place as the fact of the mortgage was not informed to them. The allegation of forgery was also made and accordingly, the present FIR was lodged. After the investigation charge sheet was filed in 2012 against the petitioners under sections 420/468/471/34 IPC. Thereafter, learned Trial Court vide order dated 31.03.2022 held that offences under Section 420 and 174A IPC were made out against the accused persons. The said order was challenged by the before this court vide CRL.M.C.5972/2022 wherein this court vide order dated 15.11.2022 stayed the proceedings qua petitioner no.1. While the matter rested thus, the parties have settled the matter amicably owing to the intervention of certain well-wishers and respectable members of the society.

3. Respondent no.2 and 3 are present in the court and have duly been identified by the IO. They stated they have entered into the agreement voluntarily without any fear, threat or coercion. They also state that in terms of the settlement they have received two demand drafts bearing nos. 001326 and 001327 both drawn on 11.04.2023 from HDFC Bank for Rupees Three Lakh Ten Thousand. Learned counsel for the respondent states that since the terms of the agreement have been complied with, they have no objection if the petition is quashed. No objection affidavit of the complainant has also been placed on record.



4. Learned additional PP for the state has submitted that the FIR was against some other person also but they have not been made party. In regard, learned counsel for the petitioner has submitted that the charge sheet was filed only against petitioners no.1 and 2.
5. Learned APP has also submitted that heavy costs may be imposed upon the petitioners for misusing the process of the court.
6. Taking into account the totality of facts and circumstances, FIR No. 193/2008, registered at PS Punjabi Bagh under Section 468/471/34 of IPC and all the proceedings emanating there from are quashed. However, petitioners are directed to deposit a cost of Rs. 25,000/- with Delhi High Court Legal Aid Services within four weeks.
7. It is pertinent to note that learned counsel for the petitioner has undertaken to withdraw CRL.M.C.5972/2022.
8. The present petition along with the pending application stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 13, 2022/AR

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