

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

% *Date of decision : 19.04.2023*

+ **CRL.M.C. 2756/2023**

DIVYA VERMA AND ANR

..... Petitioners

Through: Ms. Richa Kapoor, Mr. Kunal Anand, Mr. Sandesh Kumar, Mr. Amresh Bind, Mr. Susain Sobhit, Advocates.
Petitioners in person.

versus

GOVT OF NCT OF DELHI AND ANR Respondents

Through: Ms. Shubhi Gupta, APP for the State
Respondent no.2 in person.
SI Vikash Fageria, P.S.Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

RAJNISH BHATNAGAR, J (ORAL)

CRL.M.A. 10322/2023 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2756/2023

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C for quashing of FIR No.105/2015, under Sections 420/406/34 IPC read with Section 174A IPC, registered at Police Station- Rajouri Garden Delhi, and all proceedings emanating

therefrom.

2. Issue notice. Learned APP appears on advance notice, and accepts notice.

3. In brief, the facts of the case are that the complainant was running a business of ladies fabrics by the name and style of M/s Simran Fashions in Rajouri Garden. In October 2013, petitioners expressed their desire to dispose of their residential premises situated in House No. 195, Block H, Sector Alpha II, Greater Noida, Distt. Gautam Budh Nagar, UP measuring 60 sq. Meters comprising of ground floor and first floor having covered area of 96.9 meters, as they were in urgent need of money. The complainant purchased the said shop vide agreement to sale dated 07.11.2013, which was executed in the name of the mother of the complainant Smt. Paramjeet Kaur for a total consideration of Rs.55,00,000/- out of which Rs. 50,00,000/- was paid as earnest money and rest of the balance amount which was Rs.5,00,000/- was decided to be paid within six months. It is further alleged that in the first week of April 2014, the petitioners herein approached the complainant and requested to return the original documents qua title documents pertaining to the property in question retained by the complainant. The complainant initially refused to give the documents but on constant reminders and request of the petitioners, the documents were handed over to the petitioners with clear instructions to return the said documents within 10 days without failure. However, the petitioners refused to give the documents by saying that the same have been retained by the U.K. Embassy for verification of its genuineness. After some time, complainant and her

mother came to know that despite having entered into an agreement to sale for consideration for the said property in question, petitioners further entered into another agreement to sale for the same property with Sh. Rajesh Sehra and Vijay Kanojia for a total consideration of Rs.40,00,000/-. Thus, the present FIR was got registered against the petitioners.

4. Learned counsel for the petitioners submits that during the pendency of the trial, the parties have settled the matter amicably and no objection in form of affidavit of respondent no.2/complainant, namely, Mohinder Pal Singh, dated 17.04.2023 has been placed on record.

5. On the other hand, it is submitted by learned APP for the State that the allegations against the petitioners are serious in nature, however, since the parties have amicably settled their disputes, the State has no objection if the FIR in question is quashed qua offences under Sections 420/406/34 IPC. It is further submitted that since Section 174A IPC does not affect the complainant but the administration of justice and is a standalone provision, the same may not be quashed.

6. Petitioners and respondent no.2 are present in Court today and they have been identified by the Investigating Officer. I have interacted with the parties and they submit that they have settled their disputes. Respondent No.2 admits that he has settled the matter amicably with the petitioners. He further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. Respondent No.2 submits that nothing remains

to be adjudicated further between them and he has no objection if the FIR in question is quashed.

7. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, and in view of the no objection given by the respondent no.2/complainant, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law.

8. Considering the nature of allegations in the FIR No. 105/2015 for offences punishable under Sections 420/406/34 IPC being personal in nature, I deem it fit to quash the above said FIR qua Sections 420/406/34 IPC, subject to costs of ₹20,000/- to be deposited by the petitioners with the High Court Legal Services Committee within four weeks from today. Upon placing on record the proof of deposit of costs within one week thereafter and handing over its copy to the Investigating Officer, FIR No.105/2015, under Sections 420/406/34 IPC, registered at Police Station- Rajouri Garden Delhi, and the proceedings emanating therefrom shall stand quashed. However, since Section 174A IPC is a standalone provision which has no bearing to the other alleged offences and is not an offence of personal nature *inter se* the parties i.e., the petitioners and respondent no.2, this Court refrains from quashing the proceedings pursuant to the above-noted FIR qua Section 174A IPC.

9. Consequently, the proceedings before the learned Trial Court would now go on for offence punishable under Section 174A IPC and not qua offences punishable under Sections 420/406/34 IPC to which

extent the proceedings pursuant to the FIR are hereby quashed.

10. The present petition stands disposed of accordingly.

11. *Dasti*

RAJNISH BHATNAGAR, J

APRIL 19, 2023/ib

