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

+ **BAIL APPLN. 2071/2019**

TUSHAR GAUR

.....Petitioner

Through: Mr. Jagjit Singh Sahni, Mr. Amanpreet Singh & Ms. Gurpreet Kaur Sahni, Advocates with petitioner through VC.

versus

STATE

.....Respondent

Through: Mr. Hemant Mehla, APP for State. S.I. Sumeet Poonia, PS Vivek Vihar, Delhi.

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+ **BAIL APPLN. 2073/2019**

S.K. KAPOOR

.....Petitioner

Through: Mr. Rajiv Gupta Advocate with petitioner through VC.

versus

STATE

.....Respondent

Through: Mr. Hemant Mehla, APP for State. S.I. Sumeet Poonia, PS Vivek Vihar, Delhi.

7

+ **CRL.REV.P. 748/2019**

TUSHAR GAUR & ORS.

.....Petitioners

Through: Mr. Jagjit Singh Sahni, Mr. Amanpreet Singh & Ms. Gurpreet Kaur Sahni, Advocates for P-1 & 2 with P-1 & 2 through VC. Mr. Rajiv Gupta Advocate for P-3 through VC.

versus

STATE & ANR.

.....Respondents



Through: Mr. Hemant Mehla, APP for State.
S.I. Sumeet Poonia, PS Vivek Vihar,
Delhi.

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W.P.(CRL) 2249/2021 & CRL.M.A. 13763/2022

TUSHAR GAUR & ANR.

.....Petitioners

Through: Mr. Jagjit Singh Sahni, Mr.
Amanpreet Singh & Ms. Gurpreet
Kaur Sahni, Advocates for P-1 & 2
with P-1 & 2 through VC.
Mr. Rajiv Gupta Advocate for P-3
with P-3 through VC.

versus

STATE & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC, Crl. for
State.
S.I. Sumeet Poonia, PS Vivek Vihar,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.08.2024

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W.P.(CRL) 2249/2021

1. The present Petition under Articles 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 244/2019 registered under Sections 420/468/471/120B of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Vivek Vihar, Delhi.
2. Brief facts of the case are that the respondent No. 4, the mother of petitioner No. 1, was the owner of built up Property bearing No. D-113, Surajmal Vihar, Delhi-110092, admeasuring 153.30 sq. yards (*hereinafter*



referred to as the “said property”). The respondent No. 4/Bhagwati Sharma sold the said property to respondent Nos. 2 and 3 and one Sukhdev Malhotra *vide* registered Sale Deed dated 16.05.2017.

3. It is submitted that Sukhdev Malhotra, who was having 10% share in the said property, sold his share to respondent Nos. 2 and 3 *vide* registered Sale Deed dated 16.05.2017.

4. The petitioner No. 1 filed the Civil Suit bearing No. 440/2017 for Declaration, Permanent and Mandatory Injunction against Sukhdev Malhotra and respondent Nos. 2 to 4 which is still pending adjudication.

5. Also, the Civil Suit bearing No. 553/2017 has filed on behalf of the respondent Nos. 2 and 3 seeking Possession, Damages and Permanent Injunction against the petitioner Nos. 1 and 2, which is pending adjudication.

6. On the complaint of respondent Nos. 2 and 3, the FIR No. 244/2019 dated 09.07.2019 was registered under Sections 420/468/471/120B of IPC, 1860 at Police Station Vivek Vihar against the petitioner Nos. 1 to 3.

7. It is submitted that the petitioner No. 2 was granted bail by the learned Additional Sessions Judge, Shahdara, Delhi *vide* Order dated 20.08.2019. However, the Bail Petitions bearing No. BAIL APPLN. 2071/2019 and BAIL APPLN. 2073/2019 of petitioner Nos. 1 and 3 are pending, wherein, the petitioner Nos. 1 and 3 have been granted interim protection.

8. In the interim, the parties were referred to Delhi High Court Mediation and Conciliation Centre and with the intervention of respective counsels, the parties have settled all their disputes *vide* Compromise Deed dated 22.01.2020 which *inter alia* states that: -

(i) That the respondent Nos. 3 and 4 would sell the said property



on “*as-is-where-is basis*” with the freehold rights of land under the said plot to the petitioner Nos. 1 and 2 for a total sale consideration of Rs. 3,00,00,000/-. That the respondent Nos. 3 and 4 after receiving the complete sale consideration, would get the Sale Deed of the said property registered in favour of M/s Ardent Alloys (P) Limited on 09.01.2020, in which the petitioner No. 2 would sign as Authorised Director of the Company and the petitioner No. 1 would sign as a witness,

- (ii) That after signing of the Compromise Deed, all the parties shall withdraw all their respective pending cases,
- (iii) That the respondent Nos. 2 and 3 shall assure the petitioner Nos. 1 and 2 to give statements, sign affidavits relating to getting the FIR quashed and shall fully cooperate in doing so,
- (iv) That all the parties shall not file any litigation against one another with respect to the said dispute in future,
- (v) That the parties shall not claim anything against each other after the said settlement.

9. However, the said Compromise Deed was to be placed before the learned Mediator, but the same could not be done due to COVID-19 Pandemic lockdown.

10. It is submitted that the Compromise Deed dated 22.01.2020 had been signed by the Special Power of Attorney of respondent No. 4.

11. In view of the Compromise Deed dated 22.01.2020, the present petition has been filed.

12. The petitioners and the respondents are present through video conferencing before this Court today, and they have been identified by their



counsel and Investigating Officer concerned.

13. The parties have submitted that all the disputes have been amicably settled *vide* Compromise Deed dated 22.01.2020 and thus, no fruitful purpose will be served in continuing with the FIR.

14. The present petition has been signed by the petitioners and is supported by the affidavits of the petitioners and the respondents. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

15. Today, the respondents, who are appearing through video conferencing, state that they have settled the disputes and have no objection if the FIR is quashed.

16. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

17. Moreover, there is no legal impediment in quashing the FIR in question.

18. Accordingly, FIR bearing No. 244/2019 registered at Police Station Vivek Vihar, Delhi, for offences punishable under Sections 420/468/471/120B of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

19. The petition along with pending application stands disposed of.

BAIL APPLN. 2071/2019 (u/S 438 r/w Section 482 of Cr.P.C., 1973 for



Anticipatory Bail by applicant-Tushar Gaur)

BAIL APPLN. 2073/2019 (u/S 438 r/w Section 482 of Cr.P.C., 1973 for Anticipatory Bail by applicant-S.K. Kapoor)

CRL.REV.P. 748/2019 (u/S 397 r/w Sections 401 & 482 of Cr.P.C., 1973 filed against the Order dated 04.07.2019 passed by Additional Sessions Judge, Karkardooma Courts, Delhi, wherein the Order dated 19.09.2018 has been set aside in C.C. No. 2603/2018)

20. In view of the Order passed in W.P.(CRL) 2249/2021, the present petitions are disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 2, 2024
S.Sharma