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

+ W.P.(CRL) 2726/2023

SH KAMAL ARORA

..... Petitioner

Through: Mr. Sunil K. Kalra, Mr. Mridul
Sharma and Ms. Anamika Malik,
Advts.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for
State with Mr. Alok Sharma and Mr.
Vasu Agarwal, Advts.
SI Deshpal, PS Shahdara.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

10.01.2024

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1. This is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') for quashing of FIR bearing No.328/2021 , registered at Police Station Shahdara, Delhi, for offences punishable under Section 420 of the Indian Penal Code, 1860 ('IPC') and all proceedings emanating therefrom.
2. Issue notice. Mr. Yasir Rauf Ansari, learned ASC accepts notice on behalf of the State.
3. Petitioner is present before this Court and has been identified by his counsel Mr. Sunil K. Kalra and Investigating Officer (IO) SI Deshpal from Police Station Janak Puri, Delhi.
4. Brief facts of the case are that petitioner and respondent no. 2 entered into a n agreement to sell, regarding one shop no. S-11, Old Plot No. 24,



Khasra, 624/407624/402623/407 Uldhanpur Naveen Shahdara, Delhi-110032 for a total sum of Rs. 19,50,000/-. The complainant paid earnest money of Rs. 5,00,000/- and date of execution of document was fixed. The payment of Rs. 3,00,000 was paid to petitioner. In August 2017-January 2018, the respondent no. 2 came to know that the said property was already booked by the MCD. On 17.07.2018, the petitioner and respondent no. 2 again entered into an agreement to sell of another property at 630/10 Khasra No. 382, Kabul Nagar, Shahdara, Delhi, and above-paid amount was adjusted in the said agreement and a sum of Rs. 1,50,000 was paid to the petitioner. On 04.12.2018, respondent no. 2 paid Rs. 50,000 through RTGS as part payment to the petitioner. On 29.07.2019, respondent no. 2 went to the Sub Registrar office for performance of the abovesaid agreement and the petitioner refused to do the same, In 2021, the petitioner in discharge of his liability issued two cheques for a total amount of Rs. 8,00,000, in favour of respondent no 2, and further assured to return Rs. 2,20,000/- in cash in future. In presentation of the said cheque, the same was dishonoured, and complaint was filed against the petitioner. On 06.10.2021, the FIR was lodged against the petitioner by respondent no. 2. It is stated that the present matter was settled between the petitioner and respondent no. 2 in Delhi Mediation Centre, Karkardooma, Delhi. On 19.08.2023, the matter has been amicable settled between the parties and no dispute is left, hence the present petition has been field for quashing of the subject FIR.

5. On the query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that he had entered into settlement out of his own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been



amicably settled between the parties *vide* Mediation Settlement dated 13.12.2021 entered into between them.

6. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

7. Accordingly, FIR bearing No. bearing No.328/2021 , registered at Police Station Shahdara, Delhi, for offences punishable under Section 420 of the IPC and all consequential proceedings emanating therefrom are quashed subject to the petitioner depositing the cost of Rs.15,000/- in Delhi High Court Library Fund within a week and the receipt thereof will be filed in proof thereof.

8. The petition stands disposed of.

9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 10, 2024/akc

[Click here to check corrigendum, if any](#)