



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

Reserved on : 22.11.2023

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Pronounced on : 29.02.2024

+ **W.P.(CRL) 2754/2023 AND CRL.M.A. 25836-37/2023**

ABHAY SAPRU & ANR.

..... Petitioners

Through: Mr. B. B. Gupta, Sr. Advocate with
Ms. Shobhana Takiar, Advocate.

versus

STATE DELHI & ANR.

..... Respondents

Through: Mr. Y. R. Ansari, ASC for the State
with Mr. Alok Sharma, Advocate and
SI Archana, PS C R Park.

Mr. Zoheb Hossain, Mr. Vivek
Gurnani, Ms. Manisha Dubey and Mr.
Baibhav, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

RAJNISH BHATNAGAR, J.

1. The present petition under Articles 226 and 227 of the Constitution of India has been filed by the petitioners seeking following reliefs:

“a) Quash the Impugned FIR No. 082/2023 dated 11.02.2023 and all proceedings initiated thereto as well as complaint, settlement and all proceedings registered with Police Station Chitranjan Park, South Delhi, New Delhi under Section 420/406 Indian Penal Code, 1860; and/or

b) Direct the respondent no. 2 to return the original sale deed dated 21.07.2023 which is in possession of him in collusion with the erstwhile vendees/conspirators;



c) Initiate Criminal proceedings against the respondent no. 2 Mr. Neeraj Gupta & his wife Mrs. Neena Gupta for false allegations and trumped up charges against the Petitioners in FIR 82/2023.

d) Pass any such other/further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Issue notice. Learned ASC as well as learned counsel for respondent no. 2 appears on advance notice and accepts notice.

3. During the course of arguments, learned ASC duly assisted by the learned counsel for the respondent no. 2 submitted that petitioner had already filed a petition being Crl. M. C. 2446/2023 for quashing of the same FIR No. 082/2023 on the basis of settlement dated 27.03.2023 arrived between the parties and the same was listed before this Bench. He further submitted that even notice was issued in the said petition vide order dated 11.04.2023 and the matter was adjourned on the ground that some modalities were to be finalized. He further submitted that by virtue of order dated 11.09.2023 passed in the said petition, the petitioners, without prejudice to their rights and contentions, agreed to deposit the entire alleged amount received by them with the Registrar General of this Court. He further submitted that instead of complying with the order dated 11.09.2023 passed in Crl. M. C. 2446/2023, the petitioner filed the present writ petition.

4. Learned counsel for the respondent no. 2 had handed over copy of the petition being Crl. M.C. 2446/2023 along with the orders passed therein as well as the judgments relied upon which were taken on record.



5. On this, learned counsel for the petitioners submitted that as per the Settlement dated 27.03.2023, the petitioners were constrained to file the said CrI. M.C. 2446/2023 based on the forced settlement which is pending. He further submitted that the petitioners undertake to withdraw the same.

6. I have heard learned counsels for the parties and have gone through the records of the case.

7. For the purpose of completeness, it is necessary to reproduce the order dated 11.09.2023 passed in CrI.M.C. 2446/2023 which reads as follows:

“1. By way of the present petition, petitioner is seeking quashing of FIR No. 82/2023 under Sections 406/420 read with Section 34 Indian Penal Code, 1860 registered at Police Station Chitranjan Park and all proceedings emanating therefrom.

2. At the outset, learned counsel for the petitioner submits that this is a civil dispute which has been given criminal colour in order to pressurize the petitioner. She further states that she has been recently engaged and needs time to go through the file. She further states that without prejudice to his rights and contentions, the petitioner is ready to deposit the entire alleged amount received by him from respondent no.2 with the Registrar General of this Court.

3. Be that as it may, list on 20th November 2023.

4. In the meanwhile, without prejudice to his rights and contentions, the petitioner is directed to deposit the entire amount as allegedly received by him from respondent no. 2 with the Registrar General of this Court in the form of auto renewable FDR within three weeks from today.”

8. A perusal of the records reveals that the petitioners had already approached this Court via CrI. M. C. 2446/2023 for quashing of FIR No. 82/2023 on the basis of settlement dated 27.03.2023 arrived at



between the parties. A further perusal of the records shows that petitioners were seeking adjournments in the said petition on one pretext or the other. Further, it can be seen that when the petitioners were directed vide order dated 11.09.2023 passed by this Bench to deposit the entire alleged amount received by them with the Registrar General of this Court, they filed the present writ petition on the ground that the settlement dated 27.03.2023 has been arrived by way of threat and coercion. This ground of the petitioner, in my opinion, is an afterthought and a ploy to come out of the order dated 11.09.2023 passed in the said petition as the contention of threat and coercion being used against the petitioners for signing the settlement was never mentioned in the said petition.

9. Furthermore, it is pertinent to note that the petitioners in para 26 of the present writ petition have stated that they will withdraw the petition being Crl. M. C. 2446/2023 as it was based on forced settlement but the same is still pending and was previously listed on 20.11.2023, 08.01.2024 and now the same is presently adjourned to 15.03.2024.

10. It is also pertinent to mention here in this background that para 44 of the present writ petition wherein the petitioners have declared as *"That it is pertinent to mention that no such or similar petition has earlier been filed by the Petitioners before this Hon'ble Court or any court and no such petition is pending before any court."* appears to be a false statement.



11. By initiating the instant writ petition, the petitioners intend for the petition to be adjudicated based on its substantive merits and request for the annulment of the FIR in question in conjunction with the forced settlement. However, considering the demeanor and conduct of the petitioners, and their failure to adhere to the commitments made before this Bench, it is not permissible for any party to manipulate the Court's proceedings or renege on commitments made therein according to their own arbitrary inclinations which is nothing but abuse of process of law.

12. Reliance can be placed on the judgment of Madras High Court in *Paupuleti Bhulakshmi v. Inspector of Police 2019 SCC Online MAD 7939* and the relevant portion of the same reads as follows:

3.The learned Government Advocate (Crl. Side) submitted that both the petitions have been filed by the same petitioner with same prayer by different counsel. The petitioner and the relief are one and the same in both the petitions. Suppressing the said fact the petitioner filed two petitions for same prayer by two different counsel.

13. Therefore, looking into the conduct of the petitioners and without commenting thereon, the present writ petition along with pending applications, if any, stands dismissed.

RAJNISH BHATNAGAR, J

FEBRUARY 29, 2024

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