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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7411/2023**
JITENDER GOEL Petitioner
Through: Mr. Jitender Singh, Advocate

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr. Aashneet Singh, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
28.05.2024

CRL.M.A. 16854/2024 (early hearing by petitioner)

1. By way of present application filed under Section 482 Cr.P.C., the applicant/petitioner seeks early hearing of the present petition.
2. Issue notice. Learned APP for the State accepts notice.
3. Considering the prayer made in the application, the petition is taken up for consideration today itself. It is also noted that despite number of opportunities, the petitioner did not take any steps for issuance of notice to respondent No.2.
4. The application is disposed of in above terms.

CRL.M.C. 7411/2023

1. The present petition has been instituted under Section 482 Cr.P.C seeking quashing of FIR No.256/2013 registered under Sections 420/506/34 IPC at PS Anand Vihar, Delhi.
2. The petitioner has sought quashing of the aforesaid FIR on the ground that a perusal of the FIR does not make out a case under Section 420 IPC



against the petitioner. It is contended that though allegations in the FIR have been levelled against the petitioner as well as against *Shiv Sareen* and *Rachna Sareen* ('accused persons'). As per the facts, the complainant had entered into an agreement with the other accused and that the petitioner is facing trial.

3. Learned APP for the State states that the remaining two accused persons namely *Shiv Sareen* and *Rachna Sareen* have already been discharged by learned Trial Court, on account of the settlement arrived at between them and the complainant. Insofar as the present petitioner is concerned, it is stated that charges have been framed and the role assigned to the petitioner is of introducing the accused persons to the complainant in the year 2011, with respect to sale and purchase of property being Flat No. C-903, Victoria Garden, Azadpur, Delhi. The present petitioner had also signed the Agreement to Sell w.r.t the said property as a witness.

The FIR further alleges that it was the petitioner who had approached the complainant for purchase of the aforesaid property. The petitioner also induced the complainant by stating that though the flat was worth Rs.2 crores, however, he could get the deal finalized for about Rs.1.85-1.90 crores. On petitioner's inducement, the complainant transferred an amount of Rs.8 lacs and Rs.7 lacs through RTGS as earnest money in the account of the co-accused persons *Shiv Sareen* and *Rachna Sareen* respectively. Further, it was the petitioner who had handed over the signed copy of the Agreement to Sell to the complainant for a total sale consideration of Rs.1.4 crores. As against the subject property, the co-accused *Shiv Sareen* had taken loan from *M/s India Bulls Ltd.* The complainant had agreed to pay a sum of Rs.88 lacs directly to India Bulls for repayment of the aforesaid loan.



Later, the complainant came to know that accused persons were trying to sell the subject property to a third person. It is also alleged that it is the petitioner who has handed over forged letters of *India Bulls Ltd.* to the complainant and that he was in conspiracy with the co-accused for defrauding the complainant.

4. While the remaining two accused persons had entered into a settlement and paid an amount of Rs.1.40 crores, the complainant had refused to settle the matter with the petitioner. The learned Trial Court has already framed charge against the petitioner by noting that the specimen signature of the petitioner was sent to FSL and the same has matched to the signature on the Agreement to Sell, which the petitioner had signed as a witness.

5. Considering the role assigned to the petitioner as well as the fact that it was the petitioner who had introduced the parties and also proposed the complainant to sell the subject flat, this Court finds no ground to entertain the present petition and the same is accordingly dismissed.

6. The next date of hearing i.e., 23.08.2024 stands cancelled.

MANOJ KUMAR OHRI, J

MAY 28, 2024/rd