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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 373/2022**
RAJESH TRIKHA Petitioner

Through: Mr.Medhanshu Tripathi,
Mr.Kamlesh Kamal,
Mr.Haridwar Singh, Mr.Ankit
Kumar, Advs.

versus

THE STATE OF NCT OF DELHI & ANR. Respondents
Through: Ms.Priyanka Dalal, APP with
SI Reena.
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
29.04.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.234/2017 registered at Police Station: Preet Vihar, East District, Delhi under Section 420 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.
2. The above FIR was registered on the complaint made by the respondent no.2 stating that the respondent no.2 had purchased the Ground Floor and First Floor of the property bearing No. A-65, Madhuban, Preet Vihar-110092 admeasuring 260 sq. yds. from the petitioner herein through a registered sale deed in 2016. In the complaint, it was alleged that in October, 2016, the



petitioner had approached the complainant to sell the Second Floor of the aforesaid property. It is alleged that he requested 50% of the total consideration as advance money stating that he was in dire need of the same. The complainant states that the petitioner had assured him of the possession of the Second Floor of the said property on payment of 50% of the settled sale deed consideration.

3. It is alleged that based on the said representation, the complainant paid a sum of Rs.75 lacs to the petitioner in advance. It is further alleged that the remaining amount was to be given at the time of the registration of the Sale Documents. It is stated that the possession of the second floor of the said property was also handed over to the complainant. It is alleged that the petitioner, however, did not turn up for the registration of the sale documents on 15.12.2016. It was then, that the complainant, on inquiry, found out that the Second Floor of the said property was registered in the name of the petitioner and he was not the owner thereof.
4. The learned counsel for the petitioner submits that the petitioner and the respondent no.2 have then entered into a settlement/Memo of Compromise dated 18.12.2018. He submits in terms of the said settlement, the respondent no.2 had agreed to give his consent in the quashing of the subject FIR.
5. Notice on this petition was issued by this Court to the respondents including the complainant vide Order dated 12.05.2022.



6. On 21.08.2023, Mr. Avneesh Mishra, learned Advocate had appeared on behalf of the respondent no.2. He requested for a copy of the paper book to be supplied to him. On 20.02.2024, none had appeared for the respondent no.2. Today again, none is appearing for the respondent no.2, though the matter has been called out twice since the morning.
7. The learned APP, on instructions from the IO, submits that the respondent no.2 was informed of today's date of hearing.
8. It appears that the respondent no.2 is not interested in pursuing with his complaint.
9. I have even otherwise, perused the contents of the FIR and find that the same appears to be a dispute of civil nature.
10. Keeping in view the fact that the disputes between the parties are more of a civil nature, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and will be an unnecessary burden on the State exchequer.
11. In view of the above and in view of the settlement having been arrived at between the parties, and applying the principles enunciated by the Supreme Court in *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers, under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.
12. Accordingly, the FIR No.234/2017 registered at Police Station:



Preet Vihar, East District, Delhi under Section 420 of the IPC and all the proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

APRIL 29, 2024
RN/AS

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