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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2632/2024 & CRL.M.A. 25790/2024**
SANJAY NAGPAL AND OTHERSPetitioners

Through: Mr. Vineet Mehta, Mr. Nitin Mangla
and Mr. Satyajit Yadav, Advocates.

versus

THE STATE AND ANRRespondents
Through: Mr. Sanjeev Bhandari, ASC with Ms.
Charu Sharma, Mr. Arjit Sharma, Mr.
Vaibhav Vats and Mr. Nikunj Bindal,
Advocates for the State.
Insp. Bharat Bhushan, P.S. EOW.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
29.08.2024

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1. This petition has been filed seeking quashing of the FIR No. 158/2022 under Sections 406/420/120B of IPC at Police Station EOW. On the basis that it relates to a civil dispute.
2. The issue arises out of an agreement to sell executed on 10th February, 2020 between the petitioner as the vendor and the complainant as the vendee for residential premises bearing No. A-2/48, Paschim Vihar, Delhi-110063.
3. The said property had been mortgaged to IIFL for loan which has been taken by the petitioner. The agreement to sell did not mention the said mortgage and the loan. Monies were received under the agreement to sell by which the petitioner cleared its loan and issued a legal notice to respondent No. 2 on 18th November, 2021 stating that the property was now free from all



encumbrances.

4. The said notice mentions that the payments by the vendee/ complainant had to be duly made on time and the balance payment of Rs. 6.6 crores was to be made, else the earnest money will be forfeited.
5. Subsequently, a complaint had been filed by the respondent No. 2 on 15th November, 2021, pursuant to which FIR was registered.
6. ASC states on instructions that the investigation is complete and they are in the process of filing the charge sheet.
7. In these circumstances, it would be appropriate if the petitioner raises all these issues before the Trial Court at the stage of order on charge, particularly since a case is being made out that it is a civil dispute, based on the terms of the agreement to sell.
8. Petition is disposed of with liberty to the petitioner as noted above.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 29, 2024/MR/kp