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

+ **CRL.M.C. 4187/2017 CRL.M.A. 16793/2017**

BIRENDER PRASAD & ANR

.....Petitioner

Through: Mr Ratan K. Singh, Sr. Advocate with
Mr Nikhilesh Krishnan and Ms Ritika
Priya, Advocates.

versus

STATE & ORS

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State with SI Mamta, PS Dwarka
Sector 23.
Mr. Sanjiv Kumar and Mr. Vasudha
Kr. Mehta, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

23.10.2024

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1. This petition has been filed seeking quashing of FIR No.179/2016 under Sections 417/420/465/468/471/34 IPC, PS Sector-23, Dwarka South-West.
2. A perusal to the FIR would indicate that the original complaint was relating to transaction of a property bearing No.467 measuring 66.96 sqms. in 19, Dwarka Residential Scheme, Dwarka, New Delhi.
3. The allegation was that an agreement to sell had been executed by the accused in favour of the complainant, however, despite having taken moneys from the complainant, the conveyance deed was executed through the DDA in favour of the accused No.1. There were certain other allegations made against the DDA officials, who are, however, not petitioner



before this Court. Subsequently, the charge-sheet has been filed on 10th February, 2017.

4. Senior counsel for the petitioner points out to order dated 12th July, 2016 granting anticipatory bail to the petitioner No.1, by this Court. It is noted in the said order, in presence of the counsel for the complainant, that the complainant has settled the matter and sale deed with regard to the property in dispute has already been executed on 5th July, 2016.

5. The charge-sheet also records that on 06th July, 2016 the accused had settled the matter with the complainant and the sale deed of the plot in question had been executed in favour of the complainant. The said was witnessed by accused Virender Prasad and Kishan Lal Chhabra.

6. Counsel for the complainant/respondent confirms that the title documents are with the complainant and so is the possession, and the sale deed has been executed with respect of the said plot in favour of the complainant. He states that there are certain other allegations in the said FIR which are collateral to the same.

7. However, having perused the FIR, it is clear that the fulcrum of the allegations was the transaction of the said property, which is now duly transferred along with title documents to the complainant. In this regard, there is no reason why this FIR should subsist *qua* the petitioners.

8. Accordingly, the FIR No.179/2016 PS under Sections 417/420/465/468/471/34 IPC, PS Sector 23, Dwarka South-West and proceedings emanating therefrom stands quashed *qua* the petitioners.

9. The FIR and proceedings emanating therefrom shall subsist as far as the other accused are concerned.

10. Accordingly, the petition is disposed of.



11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 23, 2024/MK