



\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3051/2019, CRL.M.A. 39270/2019**
BALRAM GUPTA

.....Petitioner

Through: Mr. Ajay Kumar Pipaniya, M.r Harjas
Pratap Singh, Mr. Imtiyaz Hussain
and Mr. Turang Pandit, Advocates.

versus

STATE & ANR.

.....Respondent

Through: Mr. Sanjeev Bhandari, Ld. ASC for
the State with M.r Arjit Sharma and
Mr. Nikunj Bindal, Advocates and
with SI SI Saching Dhama, P.S.
Shalimar Bagh.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.03.2025

%

1. A Criminal Writ Petition under Article 226 and 227 of Constitution of India read with Section 482 Cr.P.C has been filed on behalf of the Petitioner for quashing of FIR No.460/2019 under Section 306 IPC registered at Police Station Shalimar Bagh.
2. It is submitted that Shri R.N. Bhatia, father of the Complainant was in business relations with the Petitioner Balram Gupta. He agreed to sell property bearing H.No.AE-57, Shalimar Bagh to the Petitioner for which they entered into an Agreement, for which sale consideration was agreed as



Rs.1.5 Crores. The Agreement to Sell/Bayana Agreement dated 12.02.2019 was executed and the Petitioner gave Rs.50 lakhs to deceased R.N. Bhatia in front of two witnesses.

3. However, on 25.04.2019 Mr. R.N. Bhatia informed that he was in financial crises and was arranging funds and was not inclined to sell the property. He returned the Bayana amount by way of two Cheques dated 02.05.2019 of Rs.25 lakhs each. However, these cheques on presentation were dishonoured on account of “**insufficiency of funds**”.

4. The Petitioner then filed **Civil Suit No.455/2019** for Specific Performance of the Agreement to Sell. In the said Suit, Injunction was granted against Sh. R.N. Bhatia from creating third party rights in the Suit Property.

5. Thereafter, for whatever reasons, Shri R.N. Bhatia committed suicide on 14.09.2019. As per the Complainant, he had committed suicide because of poor financial condition of the family.

6. **The Status Report has been filed on behalf of the State** that during the pendency of the Suit LRs of Late Shri R.N. Bhatia and the Petitioner had a mediated Agreement, whereby the LRs of Shri R.N. Bhatia undertook to repay a sum of Rs.70 lakhs to the Petitioner. However, they have failed to honour the said mediated Settlement. It is also submitted that the Closure Report has been filed in the Trial Court on 03.12.2024.

7. **Submissions heard and record perused.**

8. From the bare perusal of the FIR and the Report submitted by the State, it is evident that it is a case where Late Shri R.N. Bhatia completely finding himself cornered on account of financial difficulties, had tried to ease out his financial situation by entering into an Agreement to Sell to sell



his house, but had second thoughts and retracted from this commitment under the Agreement to Sell. He tried to repay the amount of Rs.50 Lacs, which he has received under the Agreement to Sell, but unfortunately the cheques got dishonoured on account of insufficiency of funds.

9. The entire sequence of events clearly point that Shri R.N. Bhatia had taken the extreme step of committing suicide, since he was under tremendous mental strain of not being able to meet his financial liabilities. There is no act of instigation or abetment that can be attributed to the Petitioner and no criminality in the entire event is brought forth.

10. Moreover, even during the Police investigations, no criminal intent or abetment on the part of the Petitioner, has not been established. This is a fit case for quashing of the FIR No. 460/2019 under Section 306 IPC, which is hereby quashed along with all the proceedings emanating therefrom.

11. The Petition is allowed and stands disposed of along with the pending Application(s).

NEENA BANSAL KRISHNA, J

MARCH 3, 2025/va