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

+ CRL.M.C. 6284/2019

HARISH KUMAR LUTHRA & ANR

.....Petitioners

Through: Ms. Ridhi Arora, Advocate for P-1 &
2 with P-1 in person.

versus

STATE & ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
SI Jitender Singh, PS: Subhash Place.
Complainant in person.
Mr. Ashwani Kumar Singla,
Advocate for Naresh Kumar.
Mr. Anil Kumar Saxena, Advocate
for Sunil Kumar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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02.05.2025

1. The present petition under Section 482 of the Code of Criminal Procedure, 1973¹ seeks quashing of FIR no. 212/2019 under Sections 420 and 406 of the Indian Penal Code, 1860², registered at P.S. Subhash Place and all the proceedings emanating therefrom.
2. Counsel for Petitioners urges that the subject FIR should be quashed since the Complainant in the FIR has settled the matter with Petitioners and does not wish to pursue the said proceedings.
3. Mr. Braham Prakash, the Complainant, who is present before the

¹ "Cr.P.C."

² "IPC"



Court in person states that he has received an amount of INR 4,62,000/- from Harish Kumar Luthra, Petitioner No. 1, and he confirms that he does not wish to pursue the subject FIR. However, the matter does not rest here.

4. On 15th December, 2021, taking note of the fact that there could be other complainants who may have invested with the Petitioners and were affected by the alleged fraudulent bookings of plots, this Court passed the following order:

“1. Learned APP for the State submits that as per the allegations levelled by the complainant in the FIR, initial booking was made in the name of ‘Mera Baba Real Estate Private Limited’, Netaji Subhash Place, Pitampura, Delhi with respect to purchase of plot in Sonipat and subsequently the name of the company was changed from ‘Mera Baba Real Estate Private Limited’ to ‘Divine’. Thus, there could be other complainants. He seeks some time to file an additional Status Report on the aspect if there are any other complainants/victims.

2. In view of the above, the Investigating Officer shall cause an advertisement to be published in two leading national newspapers (English and Hindi edition) having wide circulation in NCR region and Haryana, informing the general public at large about the details of the FIR and pendency of the present petition and also if any other victim has invested money with the present petitioners. The expenses towards the aforesaid advertisement shall be borne by the petitioners.

3. Let the additional Status Report be placed on record before the next date of hearing.

4. List on 11.03.2022.”

[Emphasis supplied]

5. As such, the Court specifically directed the Investigating Officer³ to make a publication in the leading newspapers, having circulation in NCR region and Haryana, informing the general public about the details of the subject FIR, so as to enable other victims who had invested money with Petitioners to come forward. In this regard, APP for State submits that indeed, complaints from two other Complainants, Mr. Naresh Kumar and

³ “IO”



Mr. Sunil Kumar have been received by the IO and the investigation *qua* said complaints is ongoing, and accordingly, the chargesheet shall be filed in due course.

6. In light of the foregoing, in the opinion of the Court, the entire premise for seeking quashing of the subject FIR based on a settlement entered into by the Petitioners with one of the Complainants is misconceived as other Complainants have also come forward and there is no settlement with them. Therefore, the prayer sought for in the present petition for quashing of FIR on the premise of settlement, cannot be entertained and accordingly, the present petition is dismissed.

SANJEEV NARULA, J

MAY 2, 2025
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