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

+ **CRL.M.C. 4919/2018**

MOHD DANISH & ORS

.....Petitioners

Through: Mr. Naveen Dalal & Mr. Satish
Dabas, Advocates.

versus

GOVT OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for State.
S.I. Vishwas, PS Chandni Mahal,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
29.01.2025

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1. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the Petitioners to quash the FIR No. 47/2018 under Sections 420 of the Indian Penal Code, 1860 registered at Police Station Chandani Mahal, Delhi.

2. It is submitted that the only allegation made in the Complaint against the Petitioners is that the Respondent No. 2/Complainant intended to buy the House bearing No. 1541, Gali Pahari Darzian Bazar Chitli Qabar, Jama Masjid, Delhi-110006 (*hereinafter referred to as the "subject property"*) for a total sale consideration of Rs. 6,30,000/-. The Respondent No. 2/Complainant arranged a sum of Rs. 5,00,000/- from various sources and paid the same to the Petitioners with an assurance that the balance amount of



Rs. 1,30,000/- would be paid at the time of execution of the Sale documents. Certain signatures were also taken on various documents of the Respondent No. 2/Complainant. However, it was alleged that despite the assurances, the possession of the subject property has not been handed over to the Respondent No. 2/Complainant. Therefore, the Respondent No. 2/Complainant made a Complaint to the Police, but no action was taken.

3. Thereafter, a Complaint under Section 200 of Cr.P.C., 1973 was made before the learned Trial Court, in which the directions were given for registration of the FIR, after which the present FIR has been registered.

4. It is submitted that even if all the averments made in the Complaint by the Respondent No. 2/Complainant are admitted, it only discloses a civil dispute and no criminality in the entire transaction is borne out.

5. Therefore, the FIR and all the consequent proceedings emanating therefrom are liable to be quashed.

6. **Learned Additional Public Prosecutor**, on instructions, submits that the Chargesheet has already been filed before the learned Metropolitan Magistrate on 01.08.2023, though no cognizance has been taken till date.

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

8. The only averment made in the Complaint is that the Respondent No. 2/Complainant had entered into an Agreement for purchase of the subject property for a sale consideration of Rs. 6,30,000/-, out of which Rs. 5,00,000/- was paid to the Petitioners by the Respondent No. 2/Complainant and the remaining balance amount of Rs. 1,30,000/- was to be paid at the time of execution of the Sale Agreement.

9. Here, the only grievance was that the possession of the subject property has not been handed over to the Respondent No. 2/Complainant.



10. Even if the entire averments of the Complaint are admitted, it only discloses a civil dispute in regard to non-execution of the Sale Agreement/handing over of the possession of the subject property.

11. No dishonest or fraudulent intention in the entire transaction on the part of the accused Petitioners, is made out.

12. Therefore, considering that the allegations made in the Complainant are in the nature of civil dispute and no necessary ingredients of Section 420 made out in the Complaint, FIR bearing No. FIR No. 47/2018 registered at Police Station Chandani Mahal, Delhi, for offences punishable under Section 420 of the Indian Penal Code, 1860 along with the Chargesheet and all consequential proceedings emanating therefrom, are quashed.

13. The present Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 29, 2025

S.Sharma