

**Desh Deepak Malhotra Vs State and ors.**

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**Court :** Delhi

**Decided On :** Jul-21-2010

**Judge :** Mr. Hima Kohli, J.

**Appeal No. :** Crl. M.C. 2301/2010 and Crl.M.A. 12470/2010

**Appellant :** Desh Deepak Malhotra

**Respondent :** State and ors.

**Advocate for Def. :** Mr. M.N. Dudeja, ; Mr. Rajan Chaudhary ; Mr. Achyutanand Shukla, Advs.

**Advocate for Pet/Ap. :** Mrs. Ritu Aggarwal, Adv.

**Judgement :**

1. Whether Reporters of Local papers may No be allowed to see the Judgment?
2. To be referred to the Reporter or not? No
3. Whether the judgment should be No reported in the Digest?

## **ORDER**

1. The present petition is filed by the petitioner under Section 482 of the Cr.PC praying inter alia for quashing of FIR No.347/2005 lodged by the respondent No.2 under Section 420/468/471/34 IPC with Police Station: Patel Nagar on 25.06.2005.

2. It is averred in the petition that certain disputes and differences arose between the petitioner, who was a tenant of respondent No.2, in respect of premises bearing No.2150/1, Main Patel Road, Near Shadi Pur Depot, Opp. PS West Patel Nagar, New Delhi. It is stated that originally, the property belonged to the predecessor-in-interest of respondent No.2, one Chaudhary Raghunath, who let out the same to the predecessor-in-interest of the petitioner, Shri Agya Ram Malhotra. In the complaint lodged by the respondent No.2/complainant against the petitioner and six other co-accused, it is stated that the petitioner along with the other co-accused had illegally sold the property to respondents No.3 and 4, behind his back for a sum of Rs.30 lacs, out of which, the petitioner claimed that he had received a sum of Rs.2.50 lacs. This compelled the respondent No.2 to lodge a complaint with the police, which has resulted in registering of the aforesaid FIR.

3. The parties are present in Court and state that now all the disputes between the parties pertaining to the aforesaid property, which are purely civil in nature, have been resolved in terms of which, the complainant/respondent No.2 confirms that now he is party to the sale of the property to respondents No.3 and 4, for a sum of Rs.2 crores and that the petitioner has also agreed to pay a sum of Rs.4.25 lacs to the respondents No.3 and 4 in terms of a settlement. It is further stated by the counsel for respondents No.3 and 4 that they had approached this Court by way of a separate petition, registered as CrI.M.C.721/2010 wherein a settlement was arrived at between the parties, which was duly accepted vide order dated 08.03.2010 and the aforesaid FIR qua respondents No.3 and 4 (petitioners in the aforesaid petition) was quashed. Now, the petitioner also seeks quashing of the same FIR qua him.

4. Counsels for the parties state that a sum of Rs.6 lacs was deposited by the petitioner by way of a FDR before the learned Metropolitan Magistrate in the proceeding arising from case FIR No.347/2005 and as per the agreement arrived at between the parties, out of the aforesaid amount, the petitioner has no objection to release of a sum of Rs.4.25 lacs jointly in favour of respondents No.3 and 4, while the remaining amount alongwith interest has been agreed to be returned to the petitioner.

5. The parties are present in Court and confirm having arrived at the aforesaid settlement without any undue influence, coercion or pressure from any quarter. The complainant/respondent No.2 submits that he has no objection to the aforesaid FIR, lodged against the petitioner amongst others, being quashed qua him. Learned APP also states that he has no objection to the aforesaid settlement being accepted by the Court and the prayer made in the petition being allowed, subject to the parties being burdened with costs.

6. Having regard to the fact that the nature of dispute between the parties is mainly civil in nature and has now been amicably resolved in terms of the Agreement dated 02.07.2010 (Page 54 to 58 of the appeal paper book) arrived at between the parties, there appears no legal impediment in allowing the present petition. However, considering the fact that on account of the petitioner, the legal machinery of the State has been set into motion, which has resulted in incurring of unnecessary expenditure and wastage of time, while quashing FIR No.347/2005 registered by the respondent No.2 against the petitioner and allowing the present petition, it is directed that the petitioner shall pay costs of Rs.20,000/- in favour of the Registrar General of this Court, to be deposited in the Juvenile Justice Fund, within a period of two weeks. Copy of proof of deposit of the aforesaid costs shall be furnished to the learned APP for the State within two weeks.

7. The petition is disposed of along with the pending applications.

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