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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 691/2023 & CRL.M.A.6320/2023**
YOGESH SETHI & ORS. Petitioners
Through: Mr. Umesh Sharma, Advocate.
versus
THE STATE GNCT OF DELHI Respondent
Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for
the State with Mr. Adeeb-ul-Hasan,
Advocate and SI Parmender Kumar,
P.S: Rani Bagh.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **13.03.2023**

CRL.M.A.6319/2023

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

W.P.(CRL) 691/2023

By way of the present petition filed under Articles 226 and 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks quashing of case FIR No. 1331/2022 dated 29.11.2022 registered under sections 420/34 of the Indian Penal Code, 1860 at P.S.: Rani Bagh, principally on the ground that the FIR has come to be registered in relation to disputes that are purely of a civil nature, arising from an Agreement to Sell and Purchase/Exchange Agreement dated 07.08.2016 ('Agreement to Sell') that was signed between the parties.

2. Learned counsel for the petitioners submits that a perusal of the Action Taken Report dated 31.08.2018 filed by the Investigating



Officer before the learned ACMM, Rohini Courts, Delhi, will show that after conducting investigation, even the I.O. has recorded that respondent No.2/complainant only wants her money back since she is not in a position to conclude the transaction comprised in the Agreement to Sell; but that, on the other hand, the owner of the property (one Jagdish Arora, who is stated to be the husband of petitioner No.3) is ready to transfer the subject property to the complainant against receipt of the full sale consideration.

3. It is pointed-out that the I.O. specifically records in the ATR that the matter seems to be a monetary dispute of a civil nature.
4. Upon a *prima-facie* view of the matter, issue notice.
5. Mr. Yasir Rauf Ansari, learned ASC appearing for the State, accepts notice; and seeks time to file status report.
6. Mr. Ansari submits that the petitioners had no authority to sell the subject property at the time when they entered into the Agreement to Sell, and that therefore, a criminal offence is disclosed.
7. Let status report be filed within 06 weeks; response thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
8. Upon the petitioner taking requisite steps, let notice be sent to respondent No.2 by all permissible modes, returnable for the next date.
9. Let the notice indicate that reply to the petition be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
10. In the meantime, considering the nature of the matter and the Action Taken Report filed before the learned ACMM, it is directed that



though investigation may continue; and the petitioners shall join investigation as and when called in writing by the I.O., no action affecting the personal liberty of the petitioners shall be taken, till the next date of hearing in this court.

11. Re-notify on 20th July 2023.

ANUP JAIRAM BHAMBHANI, J

MARCH 13, 2023

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