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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 4185/2025 & CRL.M.A. 18291/2025,
CRL.M.A. 18292/2025

SUDHIR KUMAR

.....Petitioner

Through: Mr. Vivek Sood, Senior
Advocate with Mr. Alok
Kumar Pandey, Ms.
Muskan Dewan, Mr.
Medhavi Judevi, Ms.
Pankhuri Jain and Mr.
Amitanshu Satyarthi,
Advs.

versus

THE STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Ajay Vikram Singh,
APP for the State with SI
Nitu Singh, DIU / Dwarka.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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02.07.2025

1. By the present petition, the petitioner seeks quashing of FIR No. 494/2018 dated 05.06.2018, registered at Police Station Uttam Nagar, for offence under Sections 420/34 of the Indian Penal Code, 1860.
2. The FIR was registered long back on 05.06.2018 in regard to a certain property transactions which happened in the year 2016. The complainant / Respondent No. 2 had filed the complaint against Respondent No. 3 alleging that he had purchased the subject property for a sum of ₹43,11,000/- from Respondent No.3, however, the possession of the same had not been handed over. Respondent No. 2 had also filed a civil suit in that regard.
3. It appears that pursuant to the registration of FIR, a decree was passed in favour of Respondent No. 2 and against



Respondent No. 3 and the petitioner

4. It is stated that the petitioner is the brother of Respondent No. 3, who has been named as the main accused in the FIR. Petitioner has not been named in the FIR as accused.

5. Pursuant to passing of the decree, it is pointed out that in the execution proceedings, certain amounts have also been paid to the complainant.

6. It is stated that the petitioner has also challenged the civil proceedings which are pending consideration before this Court. Coercive process in the execution proceedings has been stayed by this Court by order dated 27.03.2025.

7. It appears that pursuant to the stay of execution, the complainant again approached the Police Authorities, who then woke up and issued a notice under Section 41A of the Code of Criminal Procedure, 1973 against the petitioner. In the opinion of this Court, at this stage, after eight years, the issuance of notice appears to be misconceived and is *prima facie* issued to pressurize the petitioner to pay the balance amount. Subject dispute is concededly pending consideration before the Civil Courts from last 8 years and Police for such long period did not find and need to investigate.

8. Issue notice.

9. The learned Additional Public Prosecutor for the State accepts notice.

10. The Police is directed not to proceed with the FIR against the petitioner till the next date of hearing.

11. List on 17.09.2025.

AMIT MAHAJAN, J

JULY 2, 2025

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