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

+ **W.P.(CRL) 3429/2019**

DEEPAK JOSHI

..... Petitioner

Through: Mr. Deepak Dhingra, Mr. Miranda Solaman and Ms. Rachita Garg, Advocates
Petitioner in person.

versus

STATE & ANR

..... Respondents

Through: Ms. Kamna Vohra, ASC for the State with SI Hukan Chand, P.S.Mehrauli. Mr. Gaurav Sharma, Adv. for Complainant.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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09.12.2019

CrI. M.A. 42225/2019

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 3429/2019

The petitioner has filed the present petition with the following prayers:-

“Quash the FIR bearing No. 0173/19 registered with Police Station Mehrauli, New Delhi under Section 420/406/34 of the Indian Penal Code.

It is submitted by the counsel for the petitioner that a collaboration agreement dated 21.10.2015 was entered into between Mr. Ashok Kumar Sapra and Mr. Ashok Kumar Sapra being First Party to the agreement and Mr. Vishnu Sharma and Mr. Deepak Joshi, being Second party for the



purpose of developing a plot bearing No. C-666, New Friends Colony, New Delhi. It is further submitted by the counsel for the petitioner that the petitioner has not received a single penny given by the complainant as the complainant also wanted to join hands in the construction work. He further submits that the entire amount of Rs.20 lacs was received in the account of Mr. Vishnu Sharma. He further submits thereafter vide agreement dated 17.12.2015 entered into between the petitioner, respondent no.2 and one R.V.Developers, which was subsequently formed by the complainant and respondent no.2, and by virtue of this agreement, both the parties declared that there were no dues to be paid by either party to the other and either party shall not claim any type of monetary consideration and also not to sue any court case/legal action at any time in future and that this agreement shall be irrevocable and shall remain binding upon the parties their legal heirs, successors and nominee(s) etc. and terms hereof shall not be changed unless mutually agreed by the parties in writing.

It is further submitted by the counsel for petitioner that again by virtue of cancellation of collaboration agreement dated 19.9.2016 the petitioner made an exit from all the agreements and has no role to play. He further submits that claim of the complainant became time barred, so he has got this FIR registered and got the criminal colour to civil litigation.

Issue notice to the respondent no.2, returnable on 3.3.2020. Copy of the petition be supplied to the opposite party within two weeks.

RAJNISH BHATNAGAR, J

DECEMBER 09, 2019

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