

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

+ **Crl.M.C.No.2661/2008**

% **Date of decision : 14.08.2008**

K.K.Khosla & Others Petitioners
Through: Dr.R.K.Modi, Advocate.

Versus

The State & Ors Respondents
Through : Mr.R.N. Vats, APP for the State.

CORAM :-

* **HON'BLE MR. JUSTICE ANIL KUMAR**

- | | | |
|----|---|-----|
| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

*

The petitioner has challenged the order dated 24th July, 2008 whereby the learned Magistrate has not sent the complaint of the petitioner for investigation under Section 156(3) of the Criminal Procedure Code and has fixed the same for evidence of the complainant.

The allegation of the complainant is that his mother had purchased the property No.559-560, New Rajinder Nagar from the

erstwhile owner who had let out the same to Sh.Ramesh Grover. Sh.Ramesh Grover was a tenant in respect of first and second floor of the property and continued to be the tenant even after the purchase of the property by the mother of the complainant. After the demise of the mother of the complainant the tenant attorned in favour of the complainant and two lease agreements were executed for the first floor and another agreement was executed with the brother of the tenant. The brother of the tenant is alleged to have shifted to some other premises and consequently Sh.Ramesh Grover became the tenant for both the premises.

A suit for recovery of possession on termination of tenancy of the accused, Sh.Ramesh Grover was filed which is also pending. In the written statement filed by the accused it was alleged that he has purchased the property from the complainant for a total consideration of Rs.28 lakhs out of which a sum of Rs.18 lakhs was paid to the petitioner.

The complainant has denied any agreement to sell or any document executed by the complainant for the transfer of rights in the property in favour of the accused.

Considering the facts and circumstances, the learned Metropolitan Magistrate has dismissed the application for investigation

under Section 156(3) of Criminal Procedure Code and has fixed the matter for the evidence of the complainant. It is apparent that no police investigation is required in the facts and circumstances.

There is no manifest error or such illegality which will entail interference by this Court under Section 482 of the Criminal Procedure Code in the facts and circumstances. The petition is without any merit and it is dismissed.

August 14, 2008
'k'

ANIL KUMAR, J.