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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3460/2010

NARENDER

..... Petitioner

Through: Mr. Yadunandan Bansal, Advocate

versus

STATE

..... Respondent

Through: Mr. Sunil Sharma, APP for the State

CORAM:

JUSTICE SHIV NARAYAN DHINGRA

ORDER

11.11.2010

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This petition has been filed for quashing of FIR under Section 420/468/471 read with Section 34 of IPC on the basis of compromise arrived at between Harsawroop, complainant and Narender one of the accused. The property in dispute belonged to Harsawroop. One Vijender is stated to have made forged documents in respect of this property and sold it to the accused Narender posing himself as Mahesh Sharma. Narender constructed house over this property. When the complainant learnt that his property had been grabbed he made a complaint. Vijender@Vijay@Mahesh Sharma is in judicial custody. Narender the present applicant was also in judicial custody and was released by this Court on interim bail. It is submitted by the Counsel that Narender had no role in forging of documents rather he was the victim. I consider that this aspect can be

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decided by the trial Court and trial Court would be in a position to ascertain whether Narender had a role in forging of documents or not. In any case, since Narender has given up the possession of the disputed property to Harswaroop and Harswaroop is present in the Court and acknowledges receiving possession of the property, I consider that under these circumstances let the Narender be granted regular bail instead of quashing of FIR so that justice is done to the victim Harswaroop and criminals are brought to the book. I am told that Vijender is a habitual land grabber and is involved in 14 more cases of similar nature quashing of this FIR would result in letting off such serious criminals. This petition is therefore not allowed and FIR is not quashed. However, this petition is converted into bail application. It is directed that Narender be released on bail on his executing personal bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial Court.

The proceedings before the trial Court shall continue and be brought to a logical end. Dasti.


SHIV NARAYAN DHINGRA, J

NOVEMBER 11, 2010
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