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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3492/2010 & CrI.M.As. No.17150-51/2010

KAPIL

..... Petitioner

Through : Mr. Avinash Lakhanpal, Adv.

versus

STATE & ORS.

..... Respondents

Through : Mr. Navin Sharma, APP for the State
SI Dinesh Prasad, PS Roop Nagar.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

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10.11.2010

1. The present petition is filed by the petitioner under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.8/2010 lodged by one Mrs. Kirti Pabbi, wife of Mr. Siddharth Pabbi, against the petitioner, under Sections 441/442/448/34 IPC, registered with PS Roop Nagar, Delhi, claiming *inter alia* that the petitioner, the son of her erstwhile tenant, late Mr. Duli Chand, had entered her residence at D-153, Kamla Nagar, Delhi and had stolen certain articles and documents therefrom.

2. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and in fact he was not in Delhi at the time of lodging of the aforesaid complaint and no

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incriminating information has been mentioned in the FIR. He submits that the whole story created by the complainant in the FIR is false and that it is unbelievable that the documents stated to have been stolen by the petitioner were lying at the residence at Delhi when the complainant herself admits that she and her husband are permanent residents of Ludhiana, Punjab. He therefore states that the FIR is liable to be quashed.

3. Learned APP for the State opposes the petition and states, on instructions from the Investigating Officer, that the matter is still at the stage of investigation and if at all, the petitioner has a dispute with the complainant for being thrown out from the aforesaid premises illegally, he has a civil remedy available to him, which he has not availed of till date.

4. Counsel for the petitioner admits that he was illegally dispossessed from the premises, subject matter of the FIR, in June 2009, when he left for his native village at District Kangra, Himachal Pradesh. Pertinently, even after allegedly returning to Delhi in January 2010, the petitioner has not sought recourse to any of the civil remedies available to him claiming repossession of the premises in question, of which he claims to be the owner. There is no title document in respect of the aforesaid property placed on the record, to

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substantiate the aforesaid submission made by the counsel for the petitioner that he is the owner. Much less title deed, even a rent receipt has not been shown to the Court.

5. As stated by the learned APP for the State that the matter is still at the preliminary stage of investigation, and having perused the contents of the complaint filed by the complainant, it cannot be stated at this stage that the FIR is false and is liable to be quashed without any further investigation.

6. For the aforesaid reasons, this Court is not inclined to entertain the present petition which is premature. The same is accordingly dismissed being devoid of merits, along with the pending applications.



HIMA KOHLI, J

NOVEMBER 10, 2010
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