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

CNR No. DLHC010383412026

+ **CRL.M.C. 6052/2026 & CRL.M.A. 25304/2026**

ARSHAD AHMED

.....Petitioner

Through: Mr. Suhail Shah, Adv. (VC)
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Amit, PS: EOW.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **18.08.2026**

1. Learned counsel appearing for the petitioner has made various submissions. He seeks to challenge the impugned order whereby, the revision against the order of framing of charges under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 [**IPC**] has been dismissed. According to him, there is no wrongful loss to the complainant which would allow the charges to be maintained against the petitioner herein.
2. Learned counsel has taken the Court through various documents and indicated that in the absence of there being adequate material for framing of charge, the Courts below have gravely erred. It is also contended that the father of the petitioner, who was also an accused and has since expired, has been treated to be a proclaimed Offender [**PO**] despite there being no order to that effect.
3. At the outset, it may be noted that the Court has considered the



submissions made with respect to the grievance concerning the father of the petitioner. The petitioner shall, naturally, be at liberty to raise it independently in accordance with law. The declaration of the petitioner's father as a PO has not been challenged in the instant petition. Rather, the present petition seeks to challenge the order of dismissal of the revision by the revisional court against the order of framing of charges. Findings rendered by the revisional court in paras. 13 to 17 are extracted as under:

"13. The charge has been framed against the accused/revisionist for the offence punishable under Section 420 r/w Section 120B IPC and Section 174A IPC. It is the case of the prosecution that the revisionist alongwith his father i.e. Revisionist no.2 represented the complainant and claimed to be owner of the property in question by virtue of GPA executed in his favour by the co-accused Nazmuddin. The accused executed GPA in favour of the complainant and entered into agreement to sell dated 12.11.2008 with him. 14. The ownership of the property in question was claimed by DDA and Waqf Board. It is part of the charge-sheet that DDA had developed a park over the land in question. The property was transferred in the name of the accused Nazmuddin by way of forged GPA dated 15.04.1998 executed by Maulvi Abdul Salam and one NOC allegedly issued by Sunni Central Board of Waqfs. The aforesaid GPA and NOC could not be verified. The GPA was stated to be forged and NOC could not be verified during the investigation. 15. The court has rightly observed that there is no evidence on record to establish the offence of forgery of documents by the revisionist/accused. The Ld. Trial Court has not found the involvement of the revisionist in forgery of documents or use of any forged documents knowing it to be forged.

16. In order to frame charge, the Ld. Trial Court has relied upon the fact that the revisionist had executed GPA and agreement to sell the property in question in favour of the complainant. The court has further considered that prior to the execution of GPA and agreement to sell, the revisionist had executed two separate registered sale deed, qua same property, in favour of Vivek Jain and Praveen Gupta (Sale deed dated 23.05.2008) and Ravinder Kumar Jain (dated 02/03.07.2008). The statement of erstwhile purchaser are recorded during the investigation and they stated to have been lured by the revisionist. As per the FSL report, the signature of the revisionist/accused matched with the signature on the GPA and agreement to sell executed with the complainant. 17. In the charge-sheet, there is material on record that the accused/revisionist had executed the GPA and Agreement to sell in favour of the complainant and regarding the same property, he had executed two separate sale deeds before the said



agreement to sell. Although, there are suspicion over the receipt of payment relied upon by the complainant but it is stated that he had placed proof of payment of Rs. 9,00,000/- on record. As per the charge-sheet, the complainant had transferred Rs. 9,00,000/- from his account. In the attending facts and circumstances, all the ingredients of offence of cheating in conspiracy with the other co-accused are made out and the Ld. Trial Court has rightly framed charges for the offences punishable under Section 420 r/w Section 120B IPC.”

4. The Court, therefore, has considered the material available on record that the petitioner had executed a GPA and an agreement to sell in favour of the complainant and *qua* the same property, he had executed two separate sale deeds before the said agreement to sell.

5. The contentions of the petitioner that the property being part of a parcel of land which was earlier sold out will have to be examined by the concerned Court during the course of trial after allowing the parties to adduce oral and documentary evidence.

6. As of now, the Court finds that there is enough material against the private applicant to be prosecuted for the charges themselves. Even otherwise, at the stage of framing of charges, the Supreme Court in the case of **Aayub v. State Govt. of NCT of Delhi**⁴ has clearly held that the Court is not expected to conduct a mini trial and to only look into the *prima facie* case.

7. On examination of the facts and situations, the Court finds that there is *prima facie* case against the applicant for the charged offences. Accordingly, no interference is called for.

8. The petition is dismissed.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 18, 2026/p

⁴ Crl.Rev.P.15/2025 dated 14.01.2025