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

CNR No. DLHC010396512026

+ **CRL.M.C. 6235/2026 & CRL.M.A. 26028/2026, CRL.M.A. 26029/2026**

SH OP SINGH AGED 63 YEARS & ANR. Petitioners

Through: Mr. Sarvan Kumar, Mr. Mukesh Kumar Pandey, Mr. Sawan Kumar Shukla, Mr. Praveen Gupta, Mr. Rahul Ahuja, Advs. along with petitioner-in-person.

versus

THE STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Hemant Mehla, APP
SI Ashish Kumar, PS Kalindi Kunj

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **24.08.2026**

1. This hearing has been done through hybrid mode.
2. By way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, 'BNSS'), the Petitioners seek quashing of **FIR No. 544/2021**, registered at Police Station Kalindi Kunj, Delhi, for offences punishable under Sections 420/34 of the Indian Penal Code, 1860 (hereinafter, 'IPC'), along with all consequential proceedings emanating therefrom.
3. The FIR was registered on the complaint of Respondent No.2 in relation to a dispute concerning three plots bearing Nos. D-131, D-133 and D-187, forming part of Khasra No.731, situated at Kanchan Kunj, Madanpur



Khadar, New Delhi, collectively measuring approximately 650 square yards. The allegations arise out of transactions concerning the aforesaid properties.

4. As per the allegations in the FIR, Respondent No.2 was introduced to the persons concerned in July 2018 and was thereafter shown the subject properties. It is alleged that an agreement was executed in respect of the properties and that Respondent No.2 made payments towards the proposed transaction. The FIR alleges that the transaction was subsequently not honoured, resulting in the alleged offence of cheating.

5. The Petitioners dispute the allegations and contend that the transaction originated from an Advance Receipt-cum-Agreement to Sell dated 14.06.2018. They further dispute the subsequent Agreement to Sell dated 16.07.2018 relied upon by Respondent No.2.

6. The dispute concerning the subject properties has also resulted in other criminal and civil proceedings. Petitioner No.2 had earlier lodged FIR No.81/2018 at Police Station Jaitpur concerning the subject properties. FIR No.499/2021 was thereafter registered at Police Station Kalindi Kunj, while FIR No.134/2023 came to be registered at Police Station Jamia Nagar in relation to a subsequent transaction concerning the same properties. Civil proceedings concerning the subject properties are also stated to be pending.

7. Respondent No.2 had earlier approached this Court by way of W.P.(CRL.) No.1926/2022, *inter alia*, seeking transfer of the investigation. *Vide* order dated 20.02.2024, this Court declined the prayer for transfer of investigation and directed the Investigating Agency to conclude the investigation and file the appropriate report within a period of two to three months.

8. Despite the aforesaid direction, the investigation has continued and, as



submitted by the Petitioners, no charge-sheet has been filed till date. The Petitioners state that they have joined the investigation and furnished the documents and replies sought by the Investigating Agency. A further notice under Section 35(3) BNSS was issued to the Petitioners on 02.06.2026.

9. The Petitioners have, therefore, approached this Court seeking quashing of FIR No.544/2021 and all proceedings emanating therefrom.

10. Learned counsel for the Petitioners submits that the impugned FIR is founded on a self-contradictory chronology. While the FIR states that the first meeting between the parties took place on 13.07.2018 and the properties were shown on 14.07.2018, Respondent No.2 relies upon an Agreement dated 14.06.2018. It is further submitted that the attendance records of Petitioner No.1 show his presence at NTPC, Noida on 13.07.2018 and 14.07.2018, contrary to the prosecution version.

11. It is submitted that the allegations do not disclose dishonest or fraudulent intention at the inception of the transaction, which is an essential ingredient of cheating. The dispute arises from the Agreement to Sell dated 14.06.2018 and subsequent contractual obligations. Reliance is placed on ***Hridaya Ranjan Prasad Verma v. State of Bihar, (2000) 4 SCC 168.***

12. Learned counsel submits that the purported Agreement dated 16.07.2018, which forms an important basis of the prosecution, is itself seriously disputed. The concerned Notary has denied notarising the document and Deena Nath Singh has not supported the complainant's version. Certain apparent discrepancies in the document are also pointed out.

13. It is further submitted that the dispute is essentially civil in nature, arising out of contractual and property transactions, and civil proceedings concerning the subject properties are already pending. Reliance is placed on



Indian Oil Corporation v. NEPC India Ltd., (2006) 6 SCC 736, to contend that criminal proceedings cannot be used as a means of exerting pressure in a dispute which does not disclose the ingredients of a criminal offence.

14. Learned counsel further submits that material favourable to the Petitioners, including the statements/affidavits of relevant persons and the statement of the concerned Notary, has not been fairly considered during investigation. It is also contended that the Petitioners have cooperated with the investigation and furnished the documents sought from them.

15. It is lastly submitted that despite the order dated 20.02.2024 passed by this Court directing completion of investigation and filing of the appropriate report within two to three months, no charge-sheet has been filed till date.

16. Learned APP appearing for the State opposes the present petition and submits that the investigation is at its final stage and the charge-sheet is likely to be filed within one week.

17. It is submitted that the allegations in the FIR attribute distinct and specific roles to the Petitioners, and therefore the contention that the dispute is merely civil in nature cannot be accepted at this stage.

18. Learned APP further submits that the contentions sought to be raised by the Petitioners involve appreciation of the material collected during investigation and are matters which can appropriately be considered by the learned Trial Court at the stage of consideration of charge. It is submitted that, if the Petitioners have a case for discharge on the basis of the material on record, they would be at liberty to urge the same before the learned Trial Court.

19. It is accordingly submitted that, in view of the specific allegations against the Petitioners and the fact that the investigation is at its concluding



stage, no ground for exercise of the inherent jurisdiction of this Court under Section 528 BNSS is made out at this stage.

ANALYSIS AND FINDINGS:

20. This Court has considered the submissions advanced by learned counsel for the parties and has perused the material placed on record. At the outset, it is required to be kept in mind that the jurisdiction under Section 528 BNSS, corresponding to Section 482 Cr.P.C., is inherent and exceptional in nature and is to be exercised sparingly, particularly at the stage of investigation.

21. The principal contention of the Petitioners is that the FIR contains an inconsistent chronology and that the documents relied upon by the complainant, including the Agreement dated 16.07.2018, are disputed. However, these contentions require examination of the documents and appreciation of the evidence collected during investigation. Such an exercise cannot ordinarily be undertaken by this Court while exercising its inherent jurisdiction. The correctness, authenticity and evidentiary value of the rival documents are matters to be tested in accordance with law.

22. The reliance placed by the Petitioners on ***Hridaya Ranjan Prasad (supra)*** does not assist them at this stage. The principle that dishonest intention must exist at the inception of the transaction is well settled; however, whether such intention was in fact present is required to be assessed from the allegations and material available on record. In the present case, the FIR attributes specific roles to the persons accused and alleges inducement, payment of money and subsequent conduct which, taken at face value, cannot be said to disclose no offence whatsoever. The defence of the Petitioners that the transaction was purely contractual cannot, therefore, be conclusively



accepted at this stage.

23. Equally, the mere fact that civil proceedings are pending between the parties does not, by itself, constitute a ground for quashing criminal proceedings. As held by the Supreme Court in ***Indian Oil Corporation (supra)*** a commercial or contractual transaction may give rise to both civil and criminal consequences, and the relevant consideration is whether the allegations, taken on their face value, disclose the commission of a criminal offence. In the present case, the FIR contains allegations of cheating and attributes specific roles to the Petitioners. The existence of civil proceedings, therefore, cannot by itself warrant quashing of the FIR.

24. The contention regarding the disputed Agreement dated 16.07.2018, the alleged denial by the Notary and the statements of other persons relied upon by the Petitioners also involve matters of evidence. At this stage, this Court cannot conduct a mini-trial or undertake a comparative assessment of the material relied upon by the prosecution and the defence. The Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, has delineated the limited circumstances in which interference with criminal proceedings is warranted. The present case does not fall within a category where, even accepting the allegations in the FIR at their face value, no offence is disclosed.

25. As regards the delay in completion of investigation, the order dated 20.02.2024 passed by this Court is undoubtedly a relevant circumstance. However, the State has now submitted that the investigation is at its final stage and that the charge-sheet is likely to be filed within one week. The delay, by itself, therefore, cannot be treated as sufficient to erase the allegations contained in the FIR or to adjudicate upon the merits of the Petitioners'



defence.

26. Significantly, the allegations in the FIR attribute distinct roles to the Petitioners in relation to the alleged transaction. Whether those allegations are ultimately established or whether the material collected by the Investigating Agency is sufficient to sustain the prosecution are matters which can appropriately be examined by the learned Trial Court upon filing of the charge-sheet.

27. In view of the aforesaid circumstances, this Court is not persuaded to hold that the continuation of the proceedings, at this stage, would amount to an abuse of the process of law. The Petitioners have failed to make out a case warranting exercise of the extraordinary jurisdiction under Section 528 BNSS for quashing of the FIR.

28. Accordingly, the present petition is dismissed. It is, however, clarified that this Court has expressed no opinion on the merits of the allegations or the defence of the Petitioners. The learned Trial Court shall consider the material placed before it independently and in accordance with law, uninfluenced by any observation contained in the present order.

29. Pending applications, if any, stand disposed of. The order be uploaded on the website forthwith.

30. A copy of this order be sent to the learned Trial Court for necessary information and compliance.

31. The order be uploaded on the website forthwith.

MADHU JAIN, J

AUGUST 24, 2026/P