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

Date of Decision: April 21, 2015

\+ **CRL.M.C. 219/2015**

PARVESH VOHRA & ORS. ..... Petitioners
Through: Mr. Satish Kumar, Advocate

versus

M.C.D. & ANR. .... Respondents
Through: Mr.Ajay Arora & Mr. Sandeep Singh, Advocates for MCD

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% (ORAL)

Quashing of CC No. 19/05 under Section 317/332/344/461 of the Delhi Municipal Corporation Act and order of 25th September, 2014 vide which Notice under Section 251 Cr.P.C. is framed against petitioner is sought in this petition.

At the hearing, it was submitted by learned counsel for petitioners that the property in question was sold by petitioners to third party in the year 2003 and the Notice for violation of the aforesaid provisions of the Municipal Corporation Act has been received later on and so petitioners are not liable to be prosecuted. Learned counsel for respondent-MCD

had submitted that application for sanction of building plan was signed by petitioners and the said application was accompanied by Architect's report and the aforesaid application was submitted by petitioners in the year 2004 and so the prosecution of petitioner is justified.

At this stage, learned counsel for petitioners submits that signatures of petitioners on the aforesaid application for sanction of building plan are forged and an application under Section 340 Cr.P.C. has already been filed by petitioners, which is pending but no notice of the same has been taken by the trial court and so impugned order as well as complaint in question deserves to be quashed.

Upon hearing and on perusal of impugned order, complaint in question and material on record, I find that whether signatures of petitioners on the application for sanction of building plan submitted in the year 2004 are forged or not, is a matter of trial and cannot be pre-judged while exercising inherent extraordinary jurisdiction under Section 482 Cr.P.C. So far as, pendency of application under Section 340 Cr.P.C. is concerned, the trial court shall deal with it at the appropriate stage as on the forgery aspect, petitioners have to lead evidence before the trial court.

In view of aforesaid, finding no substance in this petition, this petition is dismissed.

(SUNIL GAUR)
JUDGE

APRIL 21, 2015
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