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

Date of Decision: March 12, 2015

+ **CRL.M.C. 3870/2013 & CrI.M.A.13911/2013**

KHALID SAFULLAH Petitioner
Through: Mr. N. Pandey, Advocate

versus

STATE & ORS. Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Deepak Verma
Mr. Amit Dhalla, Advocate for
respondent No.3

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In this petition, quashing of Kalandra under Section 145 of Cr.P.C. registered on the basis of DD No.70-B on 30th December, 2011 and the consequential proceedings in respect of property No.3752, Gali Masjid Wali, Shah Ganj, Ajmeri Gate, Delhi is sought.

At the hearing, learned counsel for petitioner had drawn the attention of this Court to order of 29th March, 2012 passed on DD No. 70-B (*Annexure A-7*), which reveals that the proceedings under Sections 107/151 of Cr.P.C. in respect of property in question have been dropped.

Learned counsel for petitioner submits that due to reasons best

known to the local police, the proceedings under Section 145 of Cr.P.C. have been suo moto initiated. To submit so, attention of this Court was drawn to DD No. 70-B of 30th December, 2011, which shows that the complaint was made by petitioner. It is pointed out by learned counsel for petitioner that the response to the application under RTI Act received on 17th July, 2013 (*Annexure A-11*) reveals that petitioner had not made any complaint in PS. Kamla Market, Delhi on 30th December, 2011.

Learned counsel for petitioner as well as contesting respondent No.3 submits that although there is dispute about the possession of the property in question, but there is no apprehension of breach of peace and the parties would be resorting to civil litigation for redressal of their grievances.

In view of the stand taken as aforesaid, the proceedings under Section 145 of Cr.P.C. initiated in pursuance to DD No.70-B of 30th December, 2011 are hereby quashed while not commenting upon merits of the dispute between the parties.

This petition and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MARCH 12, 2015

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