

\$~1

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

+ CRL.M.C. 2769/2014

JAIVEER SINGH & ANR

..... Petitioners

Represented by: Mr.Mohit Mathur, Sr.Advocate
instructed by Mr.Manoj Pant,
Mr.Badar Mahmood and Mr.Sidharth
Pandit, Advocates

versus

THE STATE

..... Respondent

Represented by: Mr.Amit Ahlawat, APP with
SI Jitender Joshi, PS Aman Vihar

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

% **07.09.2016**

CRL.M.C. 2769/2014

1. Having heard learned counsel for the parties I am constrained to hold that FIR No.46/2010 dated February 16, 2010 for offences punishable under Section 420/460/471/120-B IPC PS Aman Vihar, Delhi needs to be quashed. The reason is the dispute being incapable of resolved at a criminal trial. The dispute is essentially a civil dispute.
2. The bane of unauthorized colonization in Delhi is at the root of the clash between the parties. A parcel of land admeasuring 250 sq.yd. given private No.287 in an unauthorized colony named Suleman Nagar, Delhi which has sprung up on agricultural land in the Revenue Estate of Village Kirari is the bone of contention. As per the complainant the plot is situated

in a part of Khasra No.1185 of the village, the area of the Khasra is not known to either party.

3. As per the petitioners, under four sale deeds dated September 14, 1988 they purchased 18 bigha and 2 biswa land comprised in Khasra No.1169 (8-19) and 1172 (9-3); 19 bigha and 3 biswa land comprised in Khasra No.1186 (11-2) and 1367 (8-1), 15 bigha and 13 biswa land comprised in Khasra No.1185 (4-4) and 1194 (11-9) from the recorded owners thereof.

4. As per the complainant : Savitri Devi, in the year 1988, Dil Bahar Singh, acting under a General Power of Attorney dated November 22, 1988 executed in his favour by the petitioners sold the property to one Jai Bhagwan who in turn transferred title to the complainant Savitri Devi under an agreement to sell dated December 10, 2000.

5. Petitioners deny having executed any Power of Attorney in favour of Dil Bahar Singh.

6. I do not want to comment upon the effect of the Power of Attorney in question being not a registered document lest prejudice is caused to the litigating parties.

7. A Civil Suit bearing 337/1989 is pending. Further, there is an issue whether any such plot exists at the site. In Suit No.2360/1994 filed by the petitioners against one Goverdhan Dass Sharma & Ors. a Local Commissioner was appointed by this Court concerning land comprised in Khasra No.1185 and the report prima facie brings out that there could be no plot by the No.287 on Khasra No.1185.

8. I wonder what decision could be taken by a Criminal Court. Dispute relating to title on agricultural land would require the Revenue Record to be

considered and if need be, demarcation of the land comprised in Khasra No.1185.

9. It is a title dispute between the parties and the Forum has to be either the Revenue Court or the Civil Court. The petition is allowed.

10. FIR No.46/2010 dated February 16, 2010 for offences punishable under Section 420/460/471/120-B IPC PS Aman Vihar, Delhi and proceedings emanating therefrom are quashed.

CM No.9246/2014

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

SEPTEMBER 07, 2016

dkb