

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

+ **CRL.M.C. 1836/2016**

% Reserved on: September 09, 2016
Decided on: October 03, 2016

RAVINDRA KUMAR SHARMA Petitioner
Represented by: Mr. Ashok Gurnani, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS Respondents
Represented by: Ms. Meenakshi Chauhan, APP
for the State.
Mr. Sarat Chandra with Mr.
Sachin Chandra, Advocates for
Respondent Nos. 2 to 4.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

1. The petitioner filed an application under Section 156 (3) Cr.P.C. seeking registration of the complaint alleging that on 15th April, 1983 a residential plot bearing No.F-122, measuring 378 sq.mtrs situated in Vikas Puri had been purchased by him, his brother Jag Mohan and their mother Janak Kumari in an auction sale conducted by DDA on lease hold basis. A sum of ₹63,250/- being 25% of the bid amount was paid as earnest money which amount had been sent by the petitioner from Doha, Qatar on various occasions for purchase of the property. It is alleged that Jag Mohan Sharma in collusion with his wife, son and DDA officials, who are respondent Nos. 2 to 7 in the present petition, got executed a lease deed in favour of himself and Shushma Sharma , his wife jointly excluding the names of the petitioner and his mother. When the petitioner returned to India on 8th May, 1995 he

found that construction was going on the property which was purchased from the amount spent by him.

2. The learned Trial Court vide order dated 15th December, 2015 relying upon the decisions reported as 2002 CrL.L.J NOC 333 (Delhi) M/s Skipper Beverages Pvt. Ltd. vs. State and 2012 VIII AD (Delhi) 403 Ravindra Kumar vs. State (Govt. of NCT of Delhi) & Anr., held that on the facts no material was required to be collected during the investigation and thus the matter could be proceeded as a complaint case. Challenging the order dated 15th December, 2015 the petitioner filed a revision petition which was also dismissed vide the impugned order dated 16th March, 2016.

3. The Supreme Court in the decision reported as 2015 (6) SCC 287 Priyanka Srivastava and Anr. vs. State of Uttar Pradesh & Ors. following earlier decision of the Constitution Bench reported as 2014 (2) SCC 1 Lalita Kumari vs. State of U.P. noted that a preliminary inquiry may be got conducted in cases under the matrimonial disputes/family disputes, commercial offences, medical negligence cases, corruption cases and cases where there is abnormal delay/laches in initiating criminal prosecution for example, over three months' delay in reporting the matter without satisfactorily explaining the reasons for delay.

4. As noted in the complaint the petitioner had knowledge of the facts when he returned to India on 8th May, 1995. However, the application under Section 156 (3) Cr.P.C. was filed in the year 2013. Further admittedly, neither the petitioner nor his mother was present at the time of bid and all transactions were conducted by Jag Mohan Sharma. The case of the petitioner is based on the fact that the property in question was purchased from the money sent by him from Doha, Qatar. The said facts are within the

knowledge of the petitioner and no investigation thereon is required to be conducted. In case any limited inquiry is required, the same can be got conducted by the learned Metropolitan Magistrate in exercise of his power under Section 202 Cr.P.C. Consequently, I find no error in the impugned order.

5. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

OCTOBER 03, 2016
‘vn’