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

% *Date of Decision: September 15, 2016*

+ CRL.M.C. 4455/2013

RAJINDER KUMAR GUPTA

..... Petitioner

Represented by: Mr.Sameer Chandra, Advocate
with Mr.S.C.Mohan Mehata,
Mr.Zubair Raza, Advocates

versus

SURESH CHAND GUPTA

..... Respondent

Represented by: Mr.Arun Kumar Kaushik,
Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

JUDGMENT : (ORAL)

Crl.M.A.14362/2016

Allowed subject to just exceptions.

Crl.M.C.4455/2013

1. Having perused the complaint I am constrain to allow the petition and quash Crl.Complaint No.216/1 pending in the court of Metropolitan Magistrate-05 (South) and the summoning order November 06, 2012.
2. My reasons for so holding.
3. As per the complainant he owned property bearing No.A-92/A, Jawahar Park, Khanpur. The accused is stated to be the brother-in-law of the wife of the complainant. As per the complaint the accused is a property dealer. The complaint states that on February 16, 2004, the complainant

and his family members were busy with a marriage in the family and the accused told them that some documents need to be registered and requested them to appear before the Sub-Registrar on February 20, 2004. In good faith the complainant signed a set of documents and appeared before the Sub Registrar for registration of the documents and later on learnt that under the documents the accused had obtained interest in his property.

4. The so called documents creating interest are the usual documents which we find in Delhi, a General Power of Attorney, a will etc. A civil suit is pending between the parties. The issue of title would be decided in the said suit.

5. It belies human conduct for a relation to blindly sign documents scribed on a stamp paper. Even a layman understands that a document scribed on a stamp paper would have some legal consequences. Nobody appears before the Sub Registrar just on the asking of a relative. I also note that part sale consideration has been received by a cheque. I do not comment upon this aspect any further lest parties are prejudiced in the suit. I record so, to bring home the point that continuation of the criminal proceedings would be an abuse of the process of the law.

6. Keeping in view the nature of dispute I allow the petition and quash Crl.Complaint No.216/1 in the Court of the MM-05 (South), Delhi and the summoning order dated November 06, 2012.

Crl.M.A.15958/2013 & Crl.M.A.14361/2016

Dismissed as infructuous.

(PRADEEP NANDRAJOG)
JUDGE

SEPTEMBER 15, 2016/skb