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

+ CRL.M.C. 478/2018

JAGDISH CHANDER & ORS Petitioners

Through: Mr. Vikram Dua, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr. Akshai Malik, APP for State.
Mr. Rajiv Dewan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **16.08.2018**

The petition at hand under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.) prays for quashing of the proceedings arising out of first information report (FIR) No.1370/2016 which was registered on 01.07.2016 by Police Station Mehrauli involving offences punishable under Sections 420/468/471/34 of Indian Penal Code, 1860 (IPC). The FIR was lodged on the complaint of second respondent who is the son of first and second petitioners, the third, fourth and fifth petitioners being his siblings. The allegations in the FIR primarily are that government land comprised in khasra no.27 of village Neb Sarai, New Delhi had been sold fraudulently against consideration of Rs.1,40,00,000/- in favour of one Syed Afaq Meraj s/o Syed Merajuddin.

While the petition has been filed to seek quashing of the investigation and proceedings arising out of the afore-mentioned FIR (wherein the probe by police is still not complete) on the basis of “compromise” with the second respondent (the first informant), it is resisted by the respondent State on the basis of status report dated 02.02.2018 of Station House Officer (SHO) of Police Station Mehrauli. The status report indicates that Smt. Kishni Devi, the second petitioner, had claimed right over the land in question on the basis of some document executed by Harnand s/o Prabhati Ram indicating sale in her favour against consideration of Rs.2,40,000/- in cash made on 26.07.1992. The said Harnand having died in 1995, his son Mahender during investigation has taken the position that his father had sold no such property since it was “forest land”. The status report also discloses that the revenue records, as obtained from the office of Sub-Divisional Magistrate, would reveal that the subject land is recorded as “forest land (*Gair Mumkin Pahar*)”, indicating it to be government land.

The submission of the Additional Public Prosecutor is that the second respondent in this case was only a whistleblower, the land which is the subject matter of the controversy being of the government, the second respondent cannot have a compromise leading to quashing of the investigative process, his further submission being that even the alleged purchaser would be in the nature of a victim.

The counsel for the petitioners, on instructions, submitted at this stage that he may be permitted to withdraw the present petition, the petitioners reserving their contentions, particularly *vis-a-vis* the right of Kishni Devi to the subject land to be agitated at an appropriate stage of the further

proceedings during investigation and, if need be, thereafter before the criminal court.

The petition is dismissed as withdrawn.

R.K.GAUBA, J

AUGUST 16, 2018

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