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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2140/2018**

RIKESH KUMAR GAUR Petitioner
Through: **Mr. Prashant Kumar Mittal, Adv.**

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through: **Mr. Amit Chadha, APP with SI Arun
Kumar, P.S. Bhajan Pura.**

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **25.04.2018**

Petitioner filed an application under Section 156(3) Cr.P.C. before the Metropolitan Magistrate praying therein that SHO of police station Bhajan Pura be directed to register an FIR against Rakesh Singh, Sanjay Saxena and Devender Singh under Sections 420/506/120B IPC. It was alleged in the application that these persons had duped the petitioner on the pretext of selling the property bearing Upper Ground Floor of C-131/A, Gali No.5, Bhajan Pura, Delhi. It was represented that Rakesh Singh was owner of the property. Petitioner was induced to pay ₹3 lacs towards the earnest money and, thereafter, ₹4.50 lacs towards the part sale consideration. Subsequently, it was revealed that said property had already been acquired

by the Government.

Vide order dated 26th November, 2015, learned Metropolitan Magistrate held that police investigation was not required. Accordingly, application was dismissed, however, matter was fixed for complainant's (petitioner) evidence. Meaning thereby application was treated as complaint under Section 200 Cr.P.C.

Petitioner preferred a revision petition before the Additional Session Judge which was dismissed vide order dated 8th April, 2016. Learned ASJ has held that disputes between the parties pertained to a land in respect whereof petitioner had made part payment. Entire evidence was in possession of petitioner which could have been established before the Metropolitan Magistrate in the complaint case. It was further held that no police assistance was required to collect any evidence. It is this order which has been challenged by this petition under Section 482 Cr.P.C. During the course of hearing, it is revealed that petitioner has already filed a suit for recovery against the aforementioned persons, which is pending.

Present petition has been filed after two years. There is no explanation for such a long delay. Even otherwise, I do not find the impugned orders to be perverse having resulted in miscarriage of justice to

petitioner. Matter is still pending before the learned MM and it appears that petitioner is taking adjournments in the said matter instead of leading evidence.

For the foregoing reasons, present petition is dismissed with costs of ₹10,000/- to be deposited with Delhi High Court Legal Services Committee within four weeks. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

APRIL 25, 2018

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