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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 7th August, 2018

+ CRL.M.C. 1789/2016
PHOOLWATI

..... Petitioner

Through: Mr. Satyam Sisodia with Mr.
Manish Awasthi & Ms. Babita
Ahlawat, Advocates.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Ashish Dutta, APP for State.
Mr. Ravin Rao with Mr. Ankit
Goel, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner has filed a criminal complaint case (CC No.22/01/14) in the court of Chief Metropolitan Magistrate, North-West District, alleging offences punishable under Sections 420/467/468/471/120B/34 IPC having been committed against her by the private party respondents. Along with the said complaint case, she made a prayer for directions to the police to register an FIR and investigate under Section 156(3) of Code of Criminal Procedure, 1973 (Cr.P.C.). The Metropolitan Magistrate called for an action taken report from the police with reference to the complaints that had been earlier lodged with it. Upon consideration of the said action taken report, by order dated 26.05.2014, he declined to issue a direction to the police for investigation, dismissing the prayer under Section 156(3) Cr.P.C. The

said order was challenged by the petitioner before the court of Sessions invoking its revisional jurisdiction (Criminal revision no.43/2015) which was dismissed by order dated 16.02.2016. It is the said order which is questioned by the petition at hand under Section 482 Cr.P.C., one of the prime grounds expressed being that on the complaint of respondent Rekha Puri, it being subsequent in chronology, the court of Magistrate had directed registration of a cross case FIR arising out of similar facts concerning the same very property, the said order resulting in FIR No.592/2015 being registered at police station Swaroop Nagar for offences punishable under Sections 420/468/471/34 IPC which is pending investigation.

2. By earlier orders, directions had been given for status report in respect of both matters to be submitted. The said status reports have been filed and perused. The second respondent, who is the first informant in cross FIR, i.e. FIR No.592/2015 resists the prayer in the petition by a reply which has been filed.

3. The case of the petitioner in the criminal complaint essentially is that she had purchased seven bighas of land from one Joginder Singh for sale deed dated 10.11.1986, the seller having executed the said document on the strength of general power of attorney (GPA) dated 15.05.1985 which, in turn, was executed by Satnam Singh and Harjit Kaur. The complainant/petitioner claims that the possession of the land purchased by her was also handed over to her at the time of execution of sale deed, the first respondent having falsely set up a claim of having 980 sq. yards forming part of said parcel of land on the strength of GPA dated 04.09.2008. According to the case of the complainant, the GPA dated 04.09.2008 on which the second respondent claims title, it purporting to

have been executed by Seema Singhal on the strength of Special Power of Attorney (SPA) dated 30.04.2008, are forged documents. The case of the first respondent, on the other hand, has been that Satnam Singh had executed a sale deed in respect of 1020 sq. yards forming part of the plot of land on 13.06.1985 and on the strength of GPA dated 07.10.1996, the title in respect of that portion had gone, to the extent of 450 sq. yards, in favour of Ramvir and Satbir Singh by GPA dated 07.10.1996, it eventually reaching the hands of first respondent Rekha Puri, through Seema Singhal.

4. In the afore-mentioned facts and circumstances, when on similar complaint on contrary version of Rekha Puri, on a subsequent petition filed by her, directions have been given for investigation by the police, it seems unfair and unjust to deny to the petitioner similar probe by the police, the orders passed by the Magistrate and the revisional court, to the contrary, thus, requiring to be set aside.

5. The Station House Officer (SHO) of police station Swaroop Nagar is, thus, directed to register an FIR on the complaint of the petitioner and carry out investigation thereinto as per law. Needless to add, the investigation into both the FIRs shall be entrusted to the same Investigating Officer since they give rise to common questions of facts. Ordered accordingly.

6. The petition stands disposed of with these observations.

7. *Dasti* to all sides under the signatures of Court Master.

R.K.GAUBA, J

AUGUST 07, 2018

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