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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1363/2015 & Crl.M.A. No. 4993/2015**

RAVINDER KAUR & ANR Petitioners
Through: Mr. Rajat Mathur, Advocate.
versus

GOVT OF NCT OF DELHI & ANR Respondents
Through: Mr. Mukesh Kumar, APP for State
with SI Rahul Malan, P.S. Gandhi
Nagar.
Mr. Taran Singla, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **20.07.2018**

The petitioners are aggrieved by the order dated 27.10.2014 of the Metropolitan Magistrate on the complaint case (C.C. No. 196/2011) whereby they were summoned as accused persons. The dispute between the parties is essentially a dispute as to the title of the subject property bearing no. 9/156, Shyam Block, Kailash Nagar, Gandhi Nagar, Delhi. It appears the petitioners have placed reliance, *inter alia*, on a will purportedly executed on 14.01.1993 by Hari Singh (Ex.CW1/15). The complainant's case is that the said document is forged. It is on the basis of such allegation and certain other acts of commission and omission attributed to the petitioners that commission of offences punishable under Sections 406/417/418/420/423/463/471/120B IPC is alleged. The parties are also locked in litigation in the civil court. The petition at hand is

premised on the submissions that the allegations in the criminal complaint case are false and unfounded. Reliance is placed on proceedings relating to certain other cases, mostly civil litigation, which are presently pending. Questions of fact which arise cannot be answered in the jurisdiction under Section 482 Cr.P.C.

In these circumstances and upon perusal of the criminal complaint, it cannot be said that the summoning order has been passed without there being any evidence adduced in support of the allegations. The petitioners will have to urge the contentions raised here as defences in the proceedings before the trial court.

The interim orders are vacated. The petition and the pending application are disposed of with these observations.

R.K.GAUBA, J

JULY 20, 2018

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