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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 9th July, 2018

+ CRL.M.C. 2008/2015 & CrI.M.A.7142/2015

NIRMALA DEVI

..... Petitioner

Through: Mr. Rajender Singh, Advocate with
Mr. Mahesh Chand, Adv.

versus

STATE OF NCT OF DELHI & ORS.

.... Respondents

Through: Mr. Mukesh Kumar, APP for the State
Mr. M.M. Aggarwal, Adv. for R-2 to
R-4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner is aggrieved by order dated 19.12.2013 of the Metropolitan Magistrate on the file of the criminal complaint case (CC No.163/1A/13) which was instituted by the second respondent, whereby she along with two others (*i.e.* T.K. Abdullah and Sarbati Devi) has been summoned to face criminal case on the allegations of involvement in the offences punishable under Sections 468/471/120-B of the Indian Penal Code, 1860 (IPC). She has come up to this court invoking extraordinary criminal jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to pray for the proceedings in the said criminal case to be quashed and the summoning order dated 19.12.2013 to be set aside.

2. A perusal of the criminal complaint and of the impugned order, copies whereof have been filed, reveals that the second respondent (the complainant) has alleged that she had purchased property bearing No.39, Village Mohammadpur from one Dharmender S/o Shri Hukum Chand (fourth respondent) by a registered sale deed (Ex.CW1/A). In August, 2001, however, T.K. Abdullah (impleaded in the complaint as first accused) had asserted that he was the owner of the said property, claiming title on the basis of certain documents in the nature of agreement of sale, Will, GPA, rent deed, etc., purportedly executed by Sarbati Devi (impleaded in the complaint case as second accused) in his favour. The petitioner is daughter-in-law of said Sarbati Devi and is also shown by the evidence which is adduced, to have executed certain documents in similar nature, they, as per the complainant's version, being in the nature of fabricated documents to set up a false claim to the title of the property. In the corresponding civil case of Sarbati Devi and the petitioner similarly made certain claims asserting her title.

3. In the above mentioned facts and circumstances, it cannot be said that the summoning order has been passed without any basis by the Metropolitan Magistrate. The contentions urged in the present petition seeking the complaint case to be quashed against the petitioner are in the nature of defences which will have to be set up in the criminal court at appropriate stage.

4. No good ground is made out for this court to intervene at this stage of the process.

5. The petition and the application filed therewith stand dismissed.

R.K.GAUBA, J.

JULY 09, 2018

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