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

+ CRL.M.C. 3642/2017

MEENA GARG

..... Petitioner

Through: Mr. Manish Bansal and Ms. Aarti
Tyagi, Advs.

versus

STATE

..... Respondent

Through: Mr. M.S. Oberoi, APP for State with
SI Jaivir Singh, P.S. K.M. Pur.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **23.02.2018**

Petitioner filed a complaint under Section 200 Cr.P.C. against Sh. Subhash Goel and others praying therein that they be summoned and punished for the offence under Sections 406/420/467/468/471/120-B/34 IPC. Along with this complain, petitioner also filed an application under Section 156(3) Cr.P.C. seeking directions to the police to register an FIR and investigate the matter. This application was dismissed by the learned Metropolitan Magistrate, Delhi vide order dated 17th January, 2017. Learned Metropolitan Magistrate observed that all the events are within the personal knowledge of the petitioner and no police interrogation is required. It was further observed that even if some police assistance is sought, the same can be directed under Section 202 Cr.P.C. Petitioner alleged that she

is daughter of Late Sh. Kishan Saroop, who died on 27th August, 1997. Late Sh. Kishan Saroop left behind 10 legal heirs namely (1) Smt. Shanti Devi (wife), (2) Sh. Ram Niwas Goel (3) Sh. Subhash Goel (4) Sh. Raj Kumar Goel (5) Sh. Ramesh Chand Goel (6) Sh. Jai Prakash Goel (7) Smt. Laxmi Gupta (8) Smt. Meena Garg (9) Smt. Manju Garg and (10) Smt. Sangeeta. Petitioner alleged that Sh. Subhash Goel, Smt. Laxmi Gupta and Smt. Manju, in collusion with each other, got the property no. 4660-63, Gali No. 49, Raighar Pura, Karol Bagh, New Delhi of Late Sh. Kishan Saroop mutated on the basis of false, forged and fabricated documents including affidavit duly notarised on 8th November, 2004 purportedly executed by the petitioner.

Petitioner preferred a revision petition which has been dismissed by the learned Additional Sessions Judge (ASJ) vide order dated 3rd April, 2017. Learned ASJ noted that Investigating Officer had stated in his status report that notices were issued to all the legal heirs of Late Sh. Kishan Saroop. They stated that Sh. Rati Ram, grandfather of petitioner was the owner of the aforesaid property. Upon the death of Sh. Rati Ram the property was equally divided between the two sons namely (1) Sh. Jyoti Prasad and (2) Sh. Kishan Swaroop, father of the petitioner. Sh. Kishan

Saroop had five sons and four daughters. Sh. Kishan Saroop executed a registered Will regarding the property in question in favour of five sons. Out of the five sons, Sh. Ram Niwas Goel executed Relinquishment Deed on 2nd March, 2005 in favour of Sh. Subhash Goel and Sh. Ramesh Goel. Sh. Jai Prakash Goel also executed Relinquishment Deed dated 12th November, 2017 in favour of Sh. Raj Kumar Goel. Accordingly, the property in question was mutated in the name of Sh. Subhash Goel and Sh. Raj Kumar Gole. Learned ASJ further noted that the entire case of the petitioner is based on the documentary evidence. The parties are known to each other. The documents, allegedly forged by the accused persons, are within the knowledge of the petitioner. Entire facts and evidence of the case was within the knowledge of the petitioner who can depose about the same in Court by leading evidence. Relevant documents can also be summoned from the concerned court. Civil dispute between the parties is also pending. In these facts and circumstances, the order of learned Metropolitan Magistrate requires no interference in revisional jurisdiction.

From the facts, as detailed above, it is clear that all the facts are within the knowledge of the petitioner. It is a family dispute regarding property in question. Civil suit is also pending. The case of the petitioner is based on

documentary evidence which are within the knowledge of the petitioner. No document has to be collected from any authority, for which police investigation may require. Accordingly, I do not find any grave perversity in the view taken by the two courts below that no police assistance is required and the facts could be established by the petitioner by leading appropriate evidence in criminal case under Section 200 Cr.P.C., which is pending.

For the foregoing reasons, petition is dismissed.

A.K. PATHAK, J.

FEBRUARY 23, 2018

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