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

+ **W.P.(CRL) 3033/2019**

AZHARUDDIN & ANR

..... Petitioners

Through Mr Karan Sachdeva, Mr Sanjay Sharma,
Ms Richa Sharma, Advocates.

versus

THE STATE & ANR

..... Respondents

Through Mr Jamal Akhtar, Advocate Standing
Counsel for state.

SI Parveen Kumar, P.S. Kotwali.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.10.2019

CRL.M.A. 39086/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 3033/2019 & CRL.M.A. 39085/2019 (stay)

3. The petitioners have filed the present petition, *inter alia*, praying that the FIR No. 166/2018 under Sections 420/468/471/120-B of IPC, registered with Police Station Kotwali, be quashed.
4. The status report has been filed, which indicates that the principal allegation against the petitioners is regarding commission of the offence of forgery. It is alleged that a forged sale deed dated 27.12.2016 was executed by the petitioners in order to grab property bearing no. 1413-1415 First Floor, Katra Jhajjharwala, Chandni Chowk-110006.

5. *Prima facie*, the said allegations made do not indicate commission of an offence of forgery. Admittedly, the sale deed dated 27.12.2016 for conveyance of the property in question to one Mr Narottam Sharma has been executed by the petitioners. The document has been executed by the petitioners in their own name. There may be some issues as to their claim that the property in question belongs to them. However, *prima facie*, the document in question cannot be considered as a forged document.
6. It is also relevant to note that the complainant claims title to the property in question, by adverse possession.
7. Apart from the allegations of forgery, there are also other allegations made in the FIR in question. Although, the said allegations may or may not have any merit, the FIR in question cannot be quashed. The Investigating Officer is required to examine the said allegations and ascertain the correct facts.
8. The scope of the present petition is limited to examining whether the FIR in question is required to be quashed; therefore, this Court does not consider it necessary to examine the matter any further, as it is clear that the FIR in question does allege commission of several offences and cannot be quashed.
9. The petition is, accordingly, dismissed with the aforesaid observations. The pending application is also dismissed.
10. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

OCTOBER 23, 2019/pkv