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

+ **W.P.(CRL) 1059/2019**

BHULE SINGH

..... Petitioner

Through Mr Arjun Dewan, Mr Shahryar Khan,
Advocates.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through Ms Nandita Rao, ASC for State for
Mr R.S. Kundu, ASC with Mr Hitesh Vali,
Mr Shivom Saharan, Mr Suman Saharan,
Advocates.
Inspt. C.C. Meena, PS. Fatehpuri Beri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.11.2019

1. The petitioner has filed the present petition, *inter alia*, praying that the FIR No. 356/2016 under Section 420/467/468/471/34 IPC, registered at PS Fatehpur Beri, be quashed.
2. The said FIR was registered at the instance of respondent no.2. He claims that he is the exclusive owner of land measuring 36 bighas, 13 Biswas, Mustatil No. 7, Killa No. 1 (35-13), Mustatil No. 24, Killa No. 1/1 (1-0), situated at Dera Mandi Village, Tehsil Mehrauli, New Delhi. He also claims that he was in possession of the said property.
3. The complainant states that he had recently become aware that on 10.03.1987, a sale deed in respect of the said land had been executed and the

same was registered vide registration No. 2036, Book No.1, Volume No. 5762, Page No. 57 to 60 by the Sub-Registrar-III, New Delhi, allegedly by the complainant in favour of the petitioner herein. The land in question had also been mutated in favour of the petitioner. According to the complainant, he had not executed the sale deed and his signatures had been forged. He alleges that the said sale deed had been registered in connivance with one Mr Ranjeet Singh and officials of the Mehrauli Tehsil. Mr Ranjeet Singh was also the witness to the said Sale Deed; however, he has since expired.

4. The petitioner claims that the entire complaint is vexatious and was filed with an ulterior motive to usurp the land, which had been sold by the complainant over thirty years ago. He also points out – and the same is also confirmed on investigation – that another sale deed was also registered, purportedly by the complainant with the Sub Registrar -III on the same date in respect of another piece of land. The said sale deed (registration no. 2038 book No. 1, Volume-5762, Page No. 65 to 68) was executed by the complainant in favour of his wife. The said sale deed was also been witnessed by Mr Ranjeet Singh.

5. However, the complainant disowns the said document as well and claims that his signatures on the same have also been forged.

6. The petitioner submits that the stand of the complainant is *ex-facie* dishonest, as his wife has further transacted with the said property. He submits that if the Sale Deed (registration no. 2038) had not been executed, as claimed by the complainant, his wife would have had no occasion to deal with the property transferred to her under the said deed.

7. Clearly, the petitioner has raised issues that require to be examined.

The status report also indicates that investigation is underway and the signature and specimen thumb impressions have been obtained and sent to FSL and its report is awaited. However, the FIR in question cannot be quashed, as it does allege an offence. The question whether the said offence had been committed is a separate issue.

8. Having stated the above, in the given circumstances, this Court considers it apposite to direct the FSL to submit status report as expeditiously as possible. The investigating authority shall also investigate the further deed executed by the wife of the complainant in respect of the land, which is subject matter of the sale deed (registered vide registration No. 2038, Book No.1, Volume No. 5762, Page No. 65 to 68) executed on 10.03.1987.

9. The petition is disposed of with the aforesaid directions.

10. Order *dasti* under the signature of Court Master.

NOVEMBER 14, 2019

pkv

VIBHU BAKHRU, J

