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

+ W.P.(CRL) 2654/2018

RAJ RANI

..... Petitioner

Through: Mr. R.D. Chauhan & Mr. Arun K.
Chauhan, Advs.

versus

THE STATE (GNCT) DELHI & ORS Respondents

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Chaitanya Gosain & Mr. Amanpreet
Singh, Advs. for Resp./ State with SI Ram Naresh,
PS Amar Colony.

Mr. K. Venkatraman, Mr. Dinesh K. Chawla &
Mr. Neeraj Mishra, Advs. for R- 2 to 5.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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19.02.2019

The petitioner seeks transfer of the case to an independent, impartial agency in the case FIR No. 1202/2015 registered under Sections 419/420/467/468/471 IPC at Police Station Amar Colony. It is the petitioner's case that she is the lawful heir of her mother's estate comprising a plot of land admeasuring 99 sq. yds. in property bearing no. 198/52A, in Khasra No. 3, situated at Garhi, Sarupa Mohalla, Ramesh Market, New Delhi.

Referring to the Status Report dated 18.02.2019, Mr. Rahul Mehra, the learned Standing Counsel for the GNCT of Delhi, submits that the police have investigated the matter in right earnest and thus far the investigation has revealed that the adopted son of late Smt. Nathiya Devi viz. Mr. Rajiv Kumar has relied upon an unregistered Will dated 25.05.2008 claiming thereby that 50% of the said property stood bequeathed to him.

Furthermore, Mr. Ishwari Prasad, one of the three brothers of late Smt. Nathiya Devi, has relied upon a registered GPA and registered Will both dated 26.12.1984, whereby he claims to have become the attorney apropos 51 sq. yds. of the property; he claims to be in possession of the property on the basis of the said documents. Mr. Rajiv Kumar, his natural son who was adopted by late Smt. Nathiya Devi. The said unregistered Will is a part of the Civil litigation in Suit No. 51060/2016, pending before the learned Senior Civil Judge, Saket Court. The next date fixed in the said case is 04.04.2019. The learned counsel submit that orders have already been passed by the learned Trial Court for obtaining the original copy of the said Will for its forensic examination

In effect, Mr. Ishwari Prasad has relied both upon the registered GPA and registered Will dated 26.12.1984. Subsequently, another GPA and Will was registered in his favour by late Smt. Nathiya Devi. Lastly, Mr. Rajeev Kumar has relied upon the unregistered Will dated 25.05.2008, as aforesaid.

Looking at the fact that the investigation is pending since 2015, it is expected that upon receiving the original Will dated 25.05.2008 the same shall be forensically examined. It is expected that the forensic laboratory shall furnish its report within 4 weeks of the reference for examination of documents by Delhi Police. Let the case be examined under the supervision of the DCP concerned.

In view of the above, the petition is not pressed, at this stage. It is disposed off accordingly.

NAJMI WAZIRI, J

FEBRUARY 19, 2019/kk