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

+ CRL.M.C. 4941/2018

SH. VICKY Petitioner

Through Dr. M.K. Gahlaut, Adv.

versus

STATE & ORS. Respondents

Through Mr. Amit Chadha, APP

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **10.01.2019**

Respondent no. 2 filed an application under Section 156(3) Cr.P.C. before the learned Metropolitan Magistrate, Delhi for registration of the FIR against the petitioner and respondent nos. 3 and 4 for the offences under Sections 420/467/468/471/506 IPC.

Respondent no. 2 alleged in the complaint that petitioner and respondent no. 2 started construction work in the year 2015. His signatures were obtained by the petitioner and respondent nos. 3 and 4 on certain papers on the pretext that a loan of Rs.2,00,000/- was to be raised from Canara Bank. On receipt of a legal notice from the bank on 29th April, 2017,

respondent no. 2 was shocked to learn that accused had taken loan of ₹20,00,000/- instead of Rs.2,00,000/-, inasmuch as, the said sum of ₹20,00,000/- was misappropriated by them by transferring the same in their only accounts. Respondent no. 2 alleged that he also came to know from another civil suit filed by the petitioner that petitioner and respondent nos. 3 and 4, in connivance with each other, had forged an Agreement to Sell, receipt etc. all dated 6th January, 2016 in respect of his property. Petitioner has filed the suit on the basis of the aforesaid forged documents.

Trial court called for the report of Investigating Officer. In the report it was mentioned that petitioner had failed to produce the original documents, that is, Agreement to Sell etc. on the pretext that these were lost.

Trial court held that complainant had specifically alleged that his signatures were forged on the documents. Petitioner failed to produce original documents on the pretext that same were missing. Allegations required police investigation to ascertain that the said documents were actually lost and also the fact that said documents were forged or not.

Petitioner filed a Revision Petition, which has been dismissed by the learned Sessions Judge.

It is noted that second Revision is barred under Section 397(3) Cr.P.C.

It is trite law that the High Court, in exercise of its inherent powers under Section 482 Cr.P.C., will step in only in exceptional cases where it is shown that the impugned order had resulted in miscarriage of justice.

In the facts of the present case, as detailed above, no such exceptional case is made out. Specific allegations of forgery of documents have been levelled by the complainant. Original documents have not seen light of the day. Petitioner alleges that the same have been misplaced. Learned Additional Sessions Judge has held that police investigation was required to find out as to whether the original sale documents were executed by the complainant as also the fact whether in reality documents were lost or a false report has been lodged by the petitioner with regard to loss of documents. It is also observed in the order that in this regard specimen handwriting and signatures of the petitioner were also required. Allegations are serious in nature and require police assistance to collect the evidence.

I do not find any perversity in the view taken by the courts below.

For the foregoing reasons, petition is dismissed.

A.K. PATHAK, J.

JANUARY 10, 2019

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