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

+ **CRL.REV.P. 162/2019**

MAHINDER PRATAP BHALLA

..... Petitioner

Through Mr Sunil Goyal, Advocate with
Mr Deepak, Advocate.

versus

STATE & ORS.

..... Respondents

Through Mr Amit Gupta, APP.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.03.2020

1. The petitioner has filed the present petition impugning an order dated 04.08.2016, whereby the learned M.M. had recorded its *prima facie* view that no offence was made out against the accused persons and therefore, had discharged them.
2. The complainant had filed an application under Section 156(3) of the Cr.P.C., *inter alia*, stating that he is eighty years of age and was residing along with his wife and daughter in the premises bearing No. S-61, Second Floor, Greater Kailash-1, New Delhi for the last several years. His brother, accused nos. 1 and 2 (since deceased) are/were residing in the same building on the ground floor and first floor, respectively. Accused No.3 is the son-in-law of accused no.1 and accused No.4 is his daughter. A plain reading of the said application indicates that there is a dispute with regard to the aforesaid property. The petitioner (complainant) claims that the same was purchased

by their father (father of the complainant and accused Nos. 1 and 2), namely, Sh Harcharan Das Bhalla. The petitioner claims that his father (Sh Harcharan Das Bhalla) expired intestate on 04.08.1980. He claims that he is a co-sharer in the said property and has an undivided share in the said property to the extent of 15%. The complainant had alleged that the accused nos. 1 to 4 were obstructing and not permitting him and his other family members free access to the said premises. The complainant also alleged that on 04.04.2011, accused no.3 had, in an arrogant manner, entered the house/flat occupied by him and had taken photographs of the whole flat.

3. The pre-summoning evidence was recorded wherein the complainant examined himself as CW 1. The complainant made allegations to the aforesaid effect, however, he stated that the said incident had taken place on 18.04.2011. The statement of the complainant's wife was recorded. However, she stated that the said incident had taken place on 04.04.2011.

4. After summoning both the complainant and his wife, they were cross-examined and they denied the suggestion that accused no.3 had pushed the complainant's wife either on 04.04.2011 or 18.04.2011. In view of the aforesaid evidence, the learned M.M. had recorded the finding that a *prima facie* a case of commission of an offence under Sections 447/448/506 of the IPC was not indicated.

5. This Court finds no infirmity with the aforesaid view.

6. It is also seen that there are disputes regarding the property between the said parties, which is subject matter of a civil suit. This Court is also informed that the concerned Civil Judge (Civil Judge, Saket Courts) has, by

an order dated 06.08.2011, granted interim protection to the petitioners and the respondents have been restrained from interfering with his ingress and egress of the property in question.

7. In view of the above, the present petition is dismissed.

VIBHU BAKHRU, J

MARCH 04, 2020

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