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

+ **W.P.(CRL) 362/2020**

ABDUL QAYYUM & ORS

..... Petitioners

Through Mr M. Sufian Siddiqui, Mr Rakesh
Bhugra, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)
& ANR

..... Respondents

Through Ms Jyoti Babbar, Advocate for
Mr Rajesh Mahajan, ASC for State.
SI Puran Singh, P.S. Gokul Puri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.02.2020

CRL.M.A. 2667/2020

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

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3. The petitioners have filed the present petition, *inter alia*, praying that the FIR No. 0301/2017 under Sections 380/448/420/467/468/471/506/34 of the IPC, registered with Police Station Gokul Puri, Delhi be quashed.
4. The learned counsel appearing for the petitioners states that the disputes are, essentially, civil in nature and a suit is already pending in respect of the property in question (property bearing No. A-27, Khasra

Number 78, Village Meerpur Turk, Gali No.1, Chand Bagh, Main Road, Karawal Nagar, Delhi). He further submits that the FIR in question was filed at a belated stage.

5. This Court has perused the FIR and is unable to accept that the allegations of commission of offences as mentioned have not been reported. The question, whether the FIR in question was filed at a belated stage and if so the implications thereof, would have to be considered by the concerned Court at an appropriate stage.

6. A plain reading of the FIR indicates that the complainant had reported that locks of property bearing No. A-27, Khasra Number 78, Village Meerpur Turk, Gali No.1, Chand Bagh, Main Road, Karawal Nagar, Delhi were broken and she had been dispossessed. According to her, the possession of the property in question has been forcibly taken by the accused on the basis of forging certain documents. She had also stated that the accused had approached her for selling the property in question, which she had declined. It is also disclosed that the partition suit of the property is pending.

7. The learned counsel appearing for the respondent states that investigations are being conducted and the same have been delayed because the original documents in possession of the petitioners has not been provided to the Investigating Officer. She also states that the statement of the Notary Public, who is stated to have attested the documents, has been recorded and he has denied attesting the documents in question.

8. She further states, on instructions of the IO who is present in Court, that the final report will be filed within a period of three months.

9. Given the facts and circumstances of this Case, this Court is unable to accept that the FIR in question requires to be quashed at the threshold.

10. The petition is unmerited and is, accordingly, dismissed. However, the IO is bound down to his statement that the final report will be filed within a period of three months from today.

VIBHU BAKHRU, J

FEBRUARY 05, 2020

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