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

+ **CRL.M.C. 759/2024**

OM PARKASH & ORS.

..... Petitioners

Through: **Mr. Ashutosh Rana, Advocate.**

versus

GOVT OF NCT DELHI & ORS.

..... Respondents

Through: **Ms. Kiran Bairwa, APP with SI Ankit Singh, PS: Nangloi.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **31.01.2024**

CRL.M.A. 3064/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 759/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of order dated 18.10.1999 and the proceedings emanating therefrom under Section 145 of Cr.P.C., which are pending before respondent No. 2, Sub Divisional Magistrate (Punjabi Bagh), Main Rohtak Road, Nangloi, Delhi.
2. Learned counsel for the petitioners submits that SHO, PS: Nangloi issued a Kalandra under Section 145 of Cr.P.C. on the basis of the complaint filed by predecessors of respondent Nos. 3 to 13 and forwarded the same to respondent No. 2, on which, cognizance was taken by learned SDM and a preliminary order was passed under Section 145 of Cr.P.C. Further, a final order under Section 146(1) of Cr.P.C. was passed and attachment of the



property in question was directed with the observations that the same be in custody until a Court of competent jurisdiction decides the rights of the parties.

It is further pointed out that in writ petition preferred on behalf of predecessors of respondent Nos. 3 and 4 (WP (C) No. 1747/2013 titled as '***Bijender Singh vs. SDM & Ors.***') vide order dated 18.03.2013 directions were issued to 'Revenue Assistant' to frame an issue with regard to the genuineness of Will dated 20.08.1986 executed by Late Sh. Lachman @ Laxman Singh in favour of the Petitioners and refer the same to the Civil Court for adjudication.

Learned counsel for the petitioners contends that pendency of the proceedings before learned SDM has become redundant in view of filing of civil proceedings by predecessors of respondent Nos. 3 to 13 as orders for status quo have been passed therein.

3. After partly making submissions, learned counsel for the petitioners seeks permission to file an appropriate application before learned SDM in the first instance.

4. Liberty is accordingly granted to the petitioners to file appropriate application before learned SDM, as prayed, which shall be considered in accordance with law, in a time bound manner.

Petition is accordingly disposed of.

A copy of this order be forwarded to Sub Divisional Magistrate (Punjabi Bagh) for information.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 31, 2024/R