



\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1378/2023, CRL.M.A. 5315/2023**

RAKESH NARANG

..... Petitioner

Through: Mr. Lalit Bhardwaj, Mr. A.k Dhupar,
Mr. Jatin Anand Dwivedi and Mr.
Ankit Dhupar, Advocates.

versus

SUNIL BHATIA

..... Respondent

Through: Mr. Sudeep Jain and Mr. Pankaj
Chauhan, Advocates alongwith
Respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

13.05.2024

1. By way of present petition filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C., the petitioner seeks quashing of the order dated 17.01.2023 passed by Ld. M.M. in Complaint Case No. 1656/2016 vide which petitioner's application filed under Section 45 of the Indian Evidence Act read with Section 311 Cr.P.C., seeking opinion of handwriting expert in respect of document i.e. Agreement to Sell and cancellation deed, has been declined.
2. It is noted that complainant/respondent has also placed on record a copy of the report of a private handwriting expert in support of his case. Vide the impugned order, it was observed that no fruitful purpose would be served in sending the said document for examination again in light of the aforesaid opinion already being on record.
3. Considering that opinion of handwriting expert has been placed on



record by the complainant in his favour, interest of justice would be served if the petitioner, being the accused, is also permitted to place on record, opinion of the handwriting expert in support of his submissions. Accordingly, the petition is allowed and petitioner is directed to take requisite steps within a period of four weeks from today.

4. Needless to state that respondent shall also be at liberty to cross-examine the said handwriting expert of the petitioner.
5. Petition is disposed of alongwith miscellaneous application.
6. Copy of the order be communicated to the concerned Trial Court.

MANOJ KUMAR OHRI, J

MAY 13, 2024

ga