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

+ **CS(COMM) 175/2020**

AMANPREET KOHLI Plaintiff

Through: Ms. Supriya Juneja and Mr. Mohit
Seth, Advs. (M: 8457902716)

versus

PANKAJ DAYAL Defendant

Through: Ms. Gauri Puri, Mr. Sahil Tokas &
Mr. Rishabh Tehlan, Advs. (M:
9136759017)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **20.05.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A.15397/2024 (u/S 340 Cr.P.C.) in CS(COMM)-175/2020

2. This is an application under Section 340 Code of Criminal Procedure, 1973 filed by the Defendant against the Plaintiff for commissioning of offense under Sections 191, 192, 193, 196 and 199, 209 & 210 under the Indian Penal Code, 1860 for forging the Memorandum of Equitable Mortgage (MoEM) executed between the Plaintiff's father and his uncle. The said MoEM was executed between is between Mr. Manjit Singh Kohli (father of the Plaintiff) and Mr. Davinder Singh Kohli.

3. The issue raised by the Defendant is that the document *i.e.* the Memorandum of Equitable Mortgage dated 25th August, 2016 is the basis of the present suit, which was filed, and in which conditional leave was granted by the Court vide judgment dated 27th March, 2023.



4. Ld. Counsel for the Defendant points out that the notary Mr. Baljit Singh, who has claimed to have notarized the said MoEM, has used two different seals, one in which the expiry of the notary mandate is stated to be 3rd June, 2019 and another in which the expiry of mandate of the notary mandate is stated as 3rd June, 2024. This, according to the Defendant, cannot therefore be a genuine document.

5. Ld. Counsel for the Plaintiff submits that the Defendant, on this very ground, has already invoked the provisions of IPC and has sought investigation. The matter is currently before the Magistrate under Section 156(3) Cr.P.C. Hence, the present application does not deserve to be entertained.

6. After some hearing, Id. Counsel for the Defendant submits that her client may be permitted to pursue the said criminal complaint and she does not press the present application. Needless to add that the observations made in the judgment dated 27th March, 2023 shall be taken into consideration by the concerned criminal Court while adjudicating the complaint of the Defendant against the Plaintiff.

7. The present application is disposed of in these terms. No further orders are called for.

I.A.29678/2024 (u/O VII Rule 11 CPC)

8. In view of the aforesaid order, as also order dated 17th May, 2024, the present application is also disposed of.

PRATHIBA M. SINGH, J.

MAY 20, 2024/ dk/bh