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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2416/2022 & CRL.M.A. 10182/2022**
KUSUM TRIPATHI Petitioner
Through: Ms.Pooja Chadha, Adv. along
with petitioner in person.
versus
STATE OF NCT DELHI Respondent
Through: Ms.Priyanka Dalal, APP with
SI Subhash Kumar
Complainant/R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **05.03.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), challenging the Order dated 05.09.2019 passed by the learned Additional Sessions Judge-06, South-East District, Saket Courts, New Delhi in the revision petition, being CR No.229/2019, titled *Kusum Tripathi v. State*, dismissing the said criminal revision petition.
2. The above criminal revision had been filed by the petitioner herein, challenging the Order dated 24.01.2019 passed by the learned Metropolitan Magistrate-05, South-East District, Saket Courts, New Delhi in CR No.4146/2018, titled *State v. Kusum Tripathi*, arising out of FIR No.307/2014 registered at Police Station: Sarita Vihar, Delhi directing framing of charges against the petitioner herein under Sections 420/467/468/471 of the Indian Penal Code, 1860 (in short, 'IPC').
3. The above FIR was registered on a complaint received that the



Complainant had given his flat no. C-70, Pocket-11, Jasola Vihar, Sarita Vihar, Delhi to one Mr.Nitish Tripathi, who is the husband of the petitioner, under a Rent Agreement executed between the Complainant and Mr.Nitish Tripathi on 10.01.2018.

4. It was alleged that summons were received by the Complainant from the Court of the learned Additional Sessions Judge on a Suit filed by the Petitioner, and on inquiry, he came to know that the petitioner herein had forged the Rent Agreement dated 15.10.2012 and had filed the same before the Court. When the Complainant confronted the petitioner with the same, the petitioner withdrew the said suit.

5. The learned APP submits that the present case involves the forgery of a document on which the signatures of the petitioner also appear. She further submits that the allegations against the petitioner are serious.

6. The respondent no.2 is present in person in the Court and has been duly identified by the Investigating Officer (IO). He submits that he does not wish to pursue the complaint any further against the petitioner. He submits that the petitioner has already handed over the vacant and peaceful possession of the premises to the respondent no.2.

7. The learned counsel for the petitioner, on instructions from the petitioner who is present in person, submits that the dispute between the parties arose because of the matrimonial dispute between the petitioner and her husband Mr.Nitish Tripathi, and even that dispute is about to get settled now. She further submits that the petitioner did not know about the forgery, if any, done in the alleged rent agreement.



8. Keeping in view the facts of the case, and that the respondent no.2 does not wish to pursue the complaint against the petitioner any further, in my opinion, no useful purpose shall be served in continuing with the proceedings of the present FIR, as the chances of its success will be rather minuscule and will be an unnecessary burden on the State exchequer.

9. Guided by the principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641 and *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

10. Accordingly, the FIR No.307/2014 registered at Police Station: Sarita Vihar, South-East District, Delhi under Section 420/471/468/506 IPC and all the proceedings emanating therefrom against the petitioner are quashed.

11. The pending application stands disposed of as infructuous.

NAVIN CHAWLA, J

MARCH 5, 2024/ns/AS

Click here to check corrigendum, if any