



\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3364/2024 & CRL.M.A.12956/2024 (Stay)**
MR ARCHASMAN SINGHPetitioner
Through: **Mr. Ashok Chhaparia, Advocate.**

versus

STATE NCT OF DELHI & ORS.Respondents
Through: **Mr. Hemant Mehla, APP for State**
with Insp. Jitendra Singh, P.S.G.K.I.
Mr. Sumit Choudhary, Ms. Preety
Pandey, Mr. Ashu Chaudhari, Ms.
Sakshi Kumari and Ms. Shivani
Pawa, Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

%

ORDER
29.08.2024

1. This petition under Section 482 Cr.P.C has been filed for quashing of the Order dated 20.01.2024 vide which the Application under Section 91 Cr.P.C has been dismissed by the learned ASJ.
2. It is submitted in the petition that the FIR has been registered on false allegations made by the complainant and that he has been implicated falsely in this case. The FIR has been registered at the behest of one person, Ashutosh Verma who was the tenant of the accused and had been extending threats to him of implicating him falsely, even prior to the registration of FIR.
3. It is further stated that during the course of investigation, the petitioner had submitted certain documents before the DCP concerned



vide his Application dated 30.06.2018 but they do not form part of the chargesheet. The IO has not done fair investigation and, therefore, the IO be directed to file a report regarding the investigation conducted on the documents submitted by the petitioner before the DCP concerned.

4. It is claimed that IO has conveniently ignored the documents provided by the accused to implicate him falsely in this case. Moreover, there have been legal/civil proceedings pending between him and his tenant, Ashutosh and this case is nothing but an endeavour of Ashutosh to take revenge from the petitioner.

5. It is claimed that these documents on which reliance has been placed by the accused which are essentially the Written Statement, Rent Lease Agreement, Rent Lease deed, SMSs dated 11.05.2016 sent by Ashutosh to the petitioner, Complaint to the Commissioner and Reply thereof, the Airtel bills of the two mobile numbers, the Order of this Court of demolishing the illegal construction, Ashutosh Verma being blacklisted by CBI, Complaint bearing DD No.33 B dated 12.05.2016, photograph showing illegal construction of the balcony and installation of CCTV camera and also a pen drive of audio clip pertaining to the conversations.

6. Learned Additional Public Prosecutor has opposed this Application on the ground that these are the documents which are essentially in the nature of the defence of the petitioner which he is at liberty to produce at the appropriate stage.

7. **Submissions Heard.**

8. The documents on which reliance has been placed by the



petitioner pertain to civil/criminal litigation, civil/criminal litigation between him and Ashutosh, his tenant. It is his defence that the complaints made against him by the Complainants are motivated and instigated by Ashutosh.

9. None of these documents sought to be relied upon pertain to the three complainants. The documents are essentially in the nature of defence which can be produced by the petitioner at the appropriate stage.

10. The learned ASJ has also dismissed the Application with the aforesaid observations.

11. There is no merit in the petition which is hereby dismissed.

NEENA BANSAL KRISHNA, J

AUGUST 29, 2024

rk