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

+ **CRL.M.C. 3471/2019**

NARGIS AGGARWAL & ANRPetitioner
Through: **Mr. Vaibhav Sharma, Advocate.**

versus

STATE & ANRRespondent
Through: **Ms. Priyanka Dalal, APP.**
Mr. Ankit Miglani, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
20.02.2025

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1. The instant petition under Section 482 of the Code of Criminal Procedure Code, 1973 (hereinafter “CrPC”) [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”)] has been filed on behalf of the petitioners seeking quashing of the FIR No. 945/2014, registered at Police Station – New Ashok Nagar, for the offences punishable under Sections 420/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts that led to the filing of the instant petition are that the respondent no. 2 is the son of petitioner no. 1 and the complainant in the aforesaid FIR. It is stated that the petitioner no. 1’s husband (namely Late Sh. Narender Kumar Aggarwal), who expired on 24th May, 2001, was allotted a flat bearing no. C-112, ILA Co-operative Housing Society, Plot No. B-7, Vasundhra Enclave, Delhi – 96. After the death of the petitioner no. 1’s husband, the petitioner no. 2 and respondent no. 2 along with one



Ms. Pooja Kaushal, i.e., the sister of the petitioner no. 2 and respondent no. 2 executed a relinquishment deed in favour of the petitioner no. 1 *qua* the interest on PF, gratuity, all other funds etc. of the deceased Late Sh. Narender Kumar Aggarwal.

3. It is alleged by the complainant in the FIR that the petitioners conspired with each other, and have deliberately and intentionally given false and frivolous information in the relinquishment deed executed on 23rd December, 2009.

4. Accordingly, a civil suit bearing no. CS-686/2018 has also been filed by the respondent no. 2, thereby, seeking partition of the aforesaid property wherein, a preliminary decree dated 11th March, 2019 was passed by the Court concerned.

5. It is stated by the petitioners that the respondent no. 2 has given his statement before the Court of learned ADJ (where the aforesaid civil suit is pending for adjudication) on 7th March, 2019 that he is ready to compromise the matter in question and thus, the instant petition has been filed seeking quashing of the instant FIR.

6. Learned counsel appearing on behalf of the petitioners submitted that the respondent no.2 had given a statement before the learned ADJ, Karkardooma Courts in the proceedings of the above said suit to compromise the present disputes pertaining to the aforementioned suit property. The said statement was recorded in the order dated 11th March, 2019, which is appended as Annexure P-2 with the petition.

7. It is further submitted by the learned counsel appearing on behalf of the petitioners that the matter was referred to the Mediation Centre by the Predecessor Bench of this Court for exploring the possibilities of an



amicable settlement of disputes between the parties, however, the same has failed and no settlement has taken place. He submitted that the respondent no.2 has not abided by the statement given before the learned ADJ. He also submitted that in view of the above facts and circumstances and taking into consideration the statement given before the learned ADJ, the instant FIR and subsequent proceedings may be quashed.

8. *Per contra*, learned APP appearing on behalf of the State and Mr. Ankit Miglani, learned counsel appearing for respondent no. 2 vehemently opposed the instant petition and submitted that the instant petition is nothing but gross misuse of the process of law.

9. Learned counsel appearing for the respondent no.2 further submitted that a plain reading of the FIR shows that a case for cognizable offence punishable under Section 420 IPC is made out against the petitioners.

10. It is also submitted that the police has already investigated the matter and a charge-sheet was filed in the year 2019 under Sections 468/471/34 of the IPC.

11. It is further submitted that the investigating agency, after further investigation, has also filed a supplementary charge-sheet on 2nd May, 2023. It is submitted that since the parties have not settled the matter and chargesheets have been filed before the court concerned for which cognizance has already been taken by taking into consideration the material found by the police against the petitioners, there exists a *prima facie* case against the petitioners.

12. It is submitted that the instant petition has been filed at a pre-mature stage and there are no cogent reasons either on the basis of compromise or on merits available to the petitioner for quashing of the FIR and the instant



petition, being devoid of any merit, may be dismissed.

13. Heard learned counsel for the parties and perused the contents made in the petition as well as the FIR. For the purpose of proper adjudication, it would be apposite to refer to the relevant portion of the FIR, which reads as under:-

“The SHO Sahab Police Station New Ashok Nagar, Delhi, Subject Applicant for fraud, forgery and getting registered false documents by Smt. Nargis Agarwal, Gaurav Agarwal, Shri Inderjit Singh and Gaurav Narula. It is submitted that 1. The applicant Vishal Aggarwal son of late Shri Naridner Kumar Agarwal resident of C-10, C&D Type flats, BEL officer's colony Sector -14 Panchkula -Haryana -134113. 2. That late Shri Naridner father of the applicant was member of TLA cooperative group Society Ltd. Plot No. /B-7, Vasundhra Enclave, Delhi -110096 and his membership No. was 17 and he had been allotted Flat No. c-112. 3 that on 24.5.2011 , father of applicant died and at that time apart from the applicant mother Nargis Aggarwal, brother Gaurav Aggarwal and sister Pooja Kaushal were alive and even today they are alive and after the death of father, all the four have become the heirs and owners of the said flats. 4. That the applicant has always been meeting with his mother, sister and brother and they used to say that whenever the flat will have to be sold, will sell together and 1/4th share will be given to you. 5. That on 04.02.20004, mother of the applicant, Smt. Nargis Aggarwal filed one affidavit in the society and in which admitted that apart from the applicant, brother and sister ore also owners and she has relinquished her shore in favour of her three children, i.e. brother Gaurav, sister Pooja and applicant through the said affidavit, thereafter the applicant, Gaurav and Pooja become owners of 1/3rd equally. 6. That in the month of June 2013 the applicant come to know that his brother Gaurav Aggarwal is desirous to sell the above said flats and also came to know on 16.6.2013taht Gaurav Aggarwal brother of the applicant except his mother represented himself the alone heir, has executed one Relinquishment deed in the name of mother Smt. Nargis



Aggarwal and she has been made the owner of the above flat. On 23.12.2009, the Relinquishment deed has been got registered with the Sub Registrar VIII that he is owner of half share and has relinquished his half share in favour of his mother Nargis Aggarwal and witnesses of this Deed Shri Inderjit Singh and Gaurav Narula appeared before the Registrar and admitted that Gaurav Aggarwal is owner of half share whereas all these four had full knowledge that the applicant is still alive and is the owner of 1/4th legally. Whereas after giving the affidavit of mother Smt. Nargis Aggarwal in the society, is owner of 1/3rd. But however all have hatched conspiracy, for grabbing the share of the applicant, had got registered forged false Relinquish deed, on which the applicant has got registered a written complaint to the Registrar Cooperative Group Housing Societies, Geeta Colony, Delhi - 110092 on 17.6.2013 and requested that the Registry of the Flat No. C-112, ILA Co-operative Group Society Ltd. Plot No. /B-7, Vasundhara Enclave Delhi -110096 be got registered without the written consent of the applicant and filed an application for getting the true copy and got the copy of the Relinquishment deed in June 2013, photocopy of the same is enclosed. 7. That for the last eight months, these papilla had been postponing and now are not giving any satisfactory reply. 8 That 1 Smt. Nargis Aggarwal, 2. Gaurav Aggarwal both residents of ILC Cooperative Group Society Ltd. Plot No. /B-7, Vasundhara Enclave Delhi -110096. 3. Inderjeet Singh son of Sh. Jet Singh r/o B-16, Vasundhara Enclave, Delhi. 4 Gaurav Narula son of Sh. O P Narula r/o 176, Vasundhara End. Delhi hatched conspiracy not made the applicant as heir, for grabbing the share of the applicant, got the false Relinquishment deed intentionally and all the above four people, by hatching conspiracy has committed the offence under Section 430/ 467/468/471/120B IPC, for which they should be punished as per law. Therefore you are requested that case be registered against the above accused and their associates and appropriate legal action be taken and be awarded strictest punishment I shall be highly obliged to you. ”

14. A plain reading of the aforesaid extracts of the FIR reveals that a case



for cognizable offences punishable under Sections 420/468/431/34 of the IPC is made out against the petitioners as the police had filed a chargesheet in the year 2019 under Section 173 of the CrPC and has also filed a supplementary chargesheet on 2nd May, 2023 after completion of the investigation.

15. It is apposite to state here that despite the averment that the respondent no. 2 had made a statement before the learned ADJ, in a pending civil suit, that he is willing to compromise the matter, no other contention has been argued before this Court with regard to the merits of the matter.

16. Furthermore, it is observed that even though the sole contention of the present petition lies on the aforesaid submission *qua* the compromise, the Predecessor Bench of this Court had referred the parties to mediation, however, despite multiple session of mediation, the matter has not been settled among the parties which is apparent from the perusal of the mediation report dated 20th November, 2023, which is part of the record.

17. Taking into consideration the matter in entirety, this Court does not find any reason to allow the instant petition either on compromise or on merits on the ground, *firstly*, the compromise has failed despite of the matter being referred to the Mediation Centre by the Court, and *secondly*, upon plain reading, this Court does not find any reason on merits and a case for cognizable offences punishable under the aforesaid sections is made out against the petitioners.

18. Therefore, in light of the aforesaid discussions, this Court is of the considered view that the instant petition has been filed at a pre-mature stage. It may be noted that the Court concerned has already taken cognizance and as informed by the learned counsel appearing for respondents, the matter is



listed for framing of charges.

19. In view of the observations made in the foregoing paragraphs, the instant petition, being devoid of any merit, stands dismissed along with the pending application(s), if any.

CHANDRA DHARI SINGH, J

FEBRUARY 20, 2025

NA/ryp

Click here to check corrigendum, if any