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

+ **W.P.(CRL) 2380/2023 & CRL.M.A. 22374/2023**

ABDUL NASIR KHATRI

.....Petitioner

Through: Mr. Mukesh Kr. Sharma, Advocate.
versus

STATE & ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC, Crl., Ms.
Charu Sharma, Mr. Arjit Sharma, Mr.
Vaibhav Vats & Mr. Nikunj Bindal,
Advocates for State.
S.I. Bahadur Singh, PS Dwarka
South, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.09.2024

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1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking to quash the FIR No. 708/2022 registered under Sections 420/468/471/120B/34 of the Indian Penal Code, 1860 at Police Station Dwarka, South, Delhi.

2. It is submitted in the petition that on the basis of the Receipt/Agreement dated 25.05.2007, the petitioner and the respondent No. 2-complainant had entered into an Agreement to Sell for purchase of the property which reflects that only Rs. 4,00,000/- of the agreed sale consideration remained to be paid. Since the respondent No. 2-complainant was not forthcoming for execution of the Sale Deed, the petitioner herein filed the CS(OS) No. 1165/20007 for Specific Performance of the



Agreement dated 25.05.2007, which was unfortunately dismissed and against the said dismissal, an RFA No. 17/2022 has been filed.

3. It is submitted that there was an observation made by the learned Additional District Judge while dismissing the said Suit that the receipt appeared to be fabricated. Subsequently, the complainant filed the complaint for registration of FIR solely on the basis of the observation made by the learned Additional District Judge. When the FIR did not get registered, he moved an Application under Section 156(3) of the Code of Criminal Procedure, 1973, in which the directions were passed for registration of FIR. Consequently, the present FIR got registered.

4. Learned Additional Standing Counsel, on instructions from the Investigating Officer who is present in the Court, submits that the investigations are almost complete and the Chargesheet is likely to be filed within two months and that the cooperation of the petitioner is required to conclude the investigations.

5. Learned counsel for the petitioner has contended that the “*Beyana Receipt*” of 2007 was the subject matter of the aforementioned Civil Suit got dismissed on 2020 and the RFA against the said dismissal, which is pending. Despite it being a civil litigation, the present FIR has been registered. Further, the Court had not made any Complaint under Section 340 of Code of Criminal Procedure, 1973 in regard to the document allegedly being forged and fabricated. On the face of it, it is evident that there is no commission of offence and the FIR is liable to be quashed.

6. **Submissions heard.**

7. It needs no reiteration that the Civil and the Criminal proceedings have their own independent sphere of operation. While in the Civil Suit, the



document may be relied upon but whether the same is forged or fabricated is in the domain of criminal investigation.

8. In the present case, the Application under Section 156(3) of the Code of Criminal Procedure, 1973, in which the directions had been passed for registration of FIR. Consequently, the present FIR has been registered.

9. It would be pre-emptive at this stage to quash the FIR when the investigations are still ongoing.

10. In view of above, there is no merit in the present petition, which is hereby dismissed along with pending application.

11. However, the petitioner is at liberty to pursue his remedy at the appropriate stage in accordance with law.

NEENA BANSAL KRISHNA, J

SEPTEMBER 23, 2024

S.Sharma