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

+ **CRL.M.C. 4794/2024**

AMIT KUMAR VARSHNEY

.....Petitioner

Through: **Mr.Rajbir Singh Sagar, Advocate**

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: **Ms.Manjeet Arya, APP for State with
Mr.Nanda Prasad and Mr.Tanshi
Arora, Advocates**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **30.08.2024**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner against order dated 07.10.2023 passed by learned ASJ, District Shahdara, Karkardooma Courts, Delhi, whereby revision petition preferred against the order dated 06.01.2023 was dismissed.

2. In brief, as per the case of the petitioner, complainant had purchased a shop, which is a hall in Property bearing No.1/6801, Plot No.11, Khasra No.1520/320, Lahori Gate, East Rohtas Nagar, Shahdara, Delhi for commercial purposes against a valid consideration from Ganga Saini wife of Surender Saini. A Sale Deed in this regard was also registered on 28.07.2015, which reflected property as commercial & stamp duty is stated to have been accordingly paid. Electricity meter for commercial purposes is also stated to have been accordingly installed and house tax paid in accordance with law alongwith conversion charges. However, a show cause notice dated 07.02.2018 under Section 345A of DMC Act read with Chapter 15 of MPD 2021 was issued for sealing the commercial activities and action



for demolition for property was initiated. An application under Section 156 (3) Cr.P.C. was preferred in aforesaid background for registration of FIR on the ground that respondent had misrepresented the facts and committed fraud.

3. The application was dismissed by the learned MM observing that the property had been sealed due to stilt parking and not because the same was not of commercial nature. Civil Suit for damages is also stated to be pending in this regard between the parties.

4. Learned Additional Sessions Judge dismissed the Criminal Revision Petition vide order dated 07.10.2023 and recorded that all the documents are with the complainant which can be proved in his testimony by summoning relevant record. It was further observed that the fraudulent intention of respondent is required to be proved in oral evidence.

5. Learned counsel for the petitioner reiterates the contentions which were raised before the learned trial court as well as the revisional court.

6. Considering the facts and circumstances of the case, this court is of the considered opinion, that cogent and sound reasons have been recorded both by learned CMM and learned ASJ for dismissing the application. In the facts and circumstances, no grounds are made out for interfering in the impugned order under Section 482 Cr.P.C.

Petition is accordingly dismissed. Pending applications, if any, also stand dismissed.

ANOOP KUMAR MENDIRATTA, J

AUGUST 30, 2024/v