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

+ **W.P.(CRL) 2744/2023 & CRL.M.As. 5510/2024, 5511/2024**

SHRI SHIV KUMAR BHAGAT

.....Petitioner

Through: Mr. Praveen Suri & Mr. Nikhil
Kumar Singh, Advocates.

versus

THE COMMISSIONER OF POLICE & ORS.

.....Respondents

Through: Mr. Rahul Tyagi, ASC, Crl. for State.
S.I. Mamta, PS Dwarka Sector 23,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **24.07.2024**

1. The present Petition under Articles 226 and 227 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 following prayers: -

“a. Call for the records of the representation/complaint dated 03.08.2023 sent to the Respondents on 07.08.2023 and delivered on 08.08.2023 to the Respondent Nos. 1 & 2 and 09.08.2023 to the Respondent No. 3 for proper and fair investigation of FIR bearing No. 0142 dated 05.06.2023 under Section 488/120-B IPC registered on the complaint of Ms. Nirmal Kaur (IPS), Respondent No. 4, W/o Shri Amitabh Chaudhary, R/o 129 C, Vidhyalaya Marg, Ashok Nagar-Ranchi (Jharkhand) against Shri Mangal Singh, S/o Shri Ladhu Singh, R/o D-185, Pappan Kalan, Sector 10, Dwarka, New Delhi and Shri Shiv Kumar Bhagat, S/o Shri Singeshwar Bhagat, R/o E 49 E Block, Budh Nagar, JJ Colony, Inderpuri, New Delhi and the complaint dated 05.08.2023 filed by the petitioner against the Respondent Nos. 1 to 3.



b. An appropriate writ or any other writ or direction as may be deemed fit and proper, be passed against the respondent Nos. 1 & 3 to conduct a fair and proper inquiry as well as call for the ownership documents of the respondent No. 4.

c. In the alternative to quash Section 120-B IPC proceedings in the above case.”

2. The Status Report has been filed on behalf of the State, wherein it is submitted that Sections 468/467/471 of the Indian Penal Code, 1860 have also been added in the present FIR.

3. Learned Additional Standing Counsel for the State fairly submits that the petitioner has been joining the investigations in compliance of the Notices being served upon him.

4. The dispute essentially pertains to the purchase of the Property bearing Plot No. 152, Sector 19, Dwarka by virtue of Agreement to Sell etc., which according to the complainant was purchased by her father who died way back in 2001. The assertions of the respondents are that these documents have been found to be forged and fabricated, for which further investigations have been undertaken.

5. Learned counsel for the petitioner submits that some officials from EOW had approached the petitioner and had asked to arrest him and he has serious apprehension of being arrested, despite his joining the investigations as and when asked by the respondents.

6. **Submissions heard.**

7. Considering that the investigations are being carried by the respondents and that the petitioner has been joining the same about which, the respondents have no grievance, without prejudice to the representations made by the petitioner, the respondents are directed to conduct fair trial and



in case any coercive action is intended to be taken against the petitioner, advance notice of seven days be served upon him.

8. With the aforesaid directions, the present petition along with pending applications is disposed of.

NEENA BANSAL KRISHNA, J

JULY 24, 2024
S.Sharma