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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(CRL) 3392/2023**

**TARUN TULI**

.....Petitioner

Through: **Mr. Pawan Kumar Sharma, Advocate.**

versus

**STATE GOVT OF NCT OF DELHI**

.....Respondent

Through: **Mr. Sanjeev Bhandari, ASC for the State with Ms. Charu Sharma, Mr. Arijit Sharma, Mr. Vaibhav Vats and Mr. Nikunj Bindal, Advocates for the State.**

**Inspt. Pankaj Saroha and SI Dhirener Yadav, PS Pandav Nagar.**

**Mr. Sunil K. Mittal, Mr. Pushpendra K. Dhaka, Mr. Harshit Vashisht and Mr. Sarthak Tagra, Advocates for R-2/complainant.**

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**07.10.2024**

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1. By way of the present petition, the petitioner seeks quashing of the FIR No.431/2018, under Sections 420/467/468/471 of the IPC, P.S. Pandav Nagar, Delhi.

2. Both the parties are related to each other, being brothers. Learned counsel for the petitioner has raised two contentions in support of his prayer for quashing of the criminal proceedings.

The first contention relates to the allegation of forgery of Will dated



14.12.2010 allegedly executed by the father of the parties, *Late Sh. Madan Tuli*. In this regard, it is contended that the petitioner has propounded the said Will by filing a probate petition No.3/2019 which is pending consideration before the Learned Additional District Judge, Karkardooma. He submits that in the said proceedings, one of the witnesses, namely, Sh. Kartar Singh has appeared and testified that the Will was duly executed in his presence. He thus submits that the allegations relating to the forgery of Will does not survive.

3. The second contention raised by the petitioner relates to the allegation of forgery in the context of documents stated to be furnished by him between the year 2012 and 2013 at the time of seeking transfer of the Flat No. B-1-G, Delhi Police Employees C.G.H.S., Mayur Vihar, Delhi. It is contended that in the FIR it has been alleged that at the time of the seeking transfer of the aforesaid flat, the petitioner furnished a nomination form, an indemnity bond and an affidavit that were executed by late Sh. Madan Tuli. He further submits that while appearing in the probate case, no question was put to Sh. Kartar Singh qua the said documents in the probate proceedings which implies that the genuineness of the said documents were never doubted.

4. The Petition is resisted by the State as well as by learned counsel for the complainant. It is stated that initially the complaint was filed with respect to transfer of the aforesaid flat while contending that the documents furnished at the time of transfer of the said flat were forged. A complaint was also made to the Registrar of Societies, who vide communication dated 19.11.2018 has expressed inability to go into the aspect of forgery. It is stated that during the pendency of the investigation, the aforesaid documents



were also sent to the FSL and the report supports the complainant. It is also stated that during investigation, the statement of one Ms. Neelam Sharma, the notary whose signatures allegedly appear on the affidavit and the indemnity bond, was recorded. In her statement, the Notary denied any knowledge and also denied her signatures on the documents. While the probate is pending, in the present case, the chargesheet stands filed.

5. Learned ASC (Crl.) further submits that Sh. Kartar Singh, the attesting witness to the Will has been arrayed as accused in the present proceedings. The other attesting witness, namely, Mr. J.C. Kaushal has already expired. It is also submitted that though petitioner has claimed that the original sale certificate was lost, the same was deposited by late *Sh. Madan Tuli* with the Punjab and National Bank 10 years ago.

6. Considering that the parameters of exercise of powers under Section 482 Cr.P.C. are well specified, the same can only be exercised if the petitioner either makes out a case that ingredients of the offence are not made out or bring on record documents of incontrovertible nature that can be looked into by the Court.

7. Considering that the allegations pertain not only to the forgery of Will but also of the documents furnished at the time of transfer of the said flat which are not contemporaneous, especially in view of the statement of Ms. Neelam Sharma as well as the FSL report, the same needs to be tested at the stage of trial. .

8. In view of the above, I find no ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending applications if any.

9. Needless to state that the observations made herein are only for the



purpose of disposal of the present petition and would not influence the petitioner in any other manner.

**MANOJ KUMAR OHRI, J**

**OCTOBER 7, 2024/mk**