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

+ **CRL.M.C. 4025/2009**

R.M. MEHAR

.....Petitioner

Through: Mr. Puneet Mittal, Senior Advocate
with Ms. Sakshi Mendiratta and Mr.
Sameer Vatts, Advocates.

versus

STATE OF N.C.T. OF DELHI & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Sanjay Dahiya, PS Mehrauli.
Mr. Rishikesh Kumar, ASC, GNCTD
with Ms. Sheenu Priya and Mr. Atik
Gill, Advocates for GNCTD.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.09.2024

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1. The Petition under Section 482 of CrPC (*hereinafter referred to as 'CrPC, 1973'*) has been filed on behalf of the petitioner for quashing of FIR No. 437/2009 dated 05.08.2009 for the offence under Section 447 of the Indian Penal Code (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station Mehrauli, New Delhi.
2. Issue Notice.
3. Learned APP accepts notice on behalf of the State.
4. Brief facts are that the petitioner's sister, namely, Smt. Dhanno is a resident and owner in possession of built up house/gitwars/plots having boundary walls constructed upon the land approximately 7-8 Bighas falling



in Khasra No. 686/570 and 698 in the revenue estate of Village Maidangarhi, Teshil Mehrauli, New Delhi, for the last around 40 years. Her possession and occupation over the aforesaid properties, has been proved/admitted by Gaon Sabha, Maingangarhi even in the year 1996. On 02.04.1996, a Notification was issued by the Revenue Department whereby besides other villages, certain land termed as 'surplus uncultivated land' of Gaon Sabha, Maidangarhi, was also excluded from vesting in Gaon Sabha and was placed at the disposal of Forest Department. The employees of the Forest Department in the month of August, 2009, on the basis of Notification dated 02.04.1996, started threatening and harassing Smt. Dhanno of demolishing her properties. Thereafter, respondents arbitrarily demolished the properties in Khasra No. 223 and 224 also. It is stated that in the aforesaid FIR, Khasra number of the said land alleged to be occupied by the petitioner, has not been stated because the Forest Department is aware of the fact that in the revenue record, the land in question is recorded as Gaon Sabha Land and not as Forest Land.

5. On the complaint of the respondents, an FIR bearing No. 437/2009 dated 05.08.2009 for the offence under Section 447 of IPC, has been registered at Police Station Mehrauli, New Delhi.

6. It is submitted that the allegations made in the Complaint was that R.M. Mehar, the Head Constable deputed with DSP of the concerned area, had encroached on the forest land, however, the investigations have revealed that there were no encroachment. The Closure Report has been filed in the Court.

7. Mr. R.M. Mehar, the accused and the respondents are also present before this Court in-person today, and have been identified by their counsel



and Investigating Officer concerned. The accused also endorses that he was never in possession of any land as alleged in the Complaint.

8. The present petition has been signed by the petitioner and is supported by his affidavit.

9. Considering that the cancellation report has been filed and no offence is disclosed to have been committed, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

10. Moreover, there is no legal impediment in quashing the FIR in question.

11. Accordingly, FIR No. 437/2009 dated 05.08.2009 for the offence under Section 447 of the IPC, registered at Police Station Mehrauli, New Delhi and all consequential proceedings emanating therefrom are quashed.

12. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 23, 2024/RS