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

+ CRL.M.C. 110/2025, CRL.M.A. 613/2025

JITENDRA KUMAR SHARMA

.....Petitioner

Through: Mr. Tanmaya Mehta and Mr.
Karamveer Singh, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI AND ORSRespondents

Through: Mr. Mukesh Kumar, APP for State
with Mr. Kishore Kr., Insp.,
DIU/SED.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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13.01.2025

1. The instant petition under Section 528 of Bharitya Nagrik Suraksha Sanhita 2023 challenges order dated 06th November, 2024 passed by the ASJ in Crl. Revision No. 122/2024 titled '*Jitendra Kumar Sharma v. State and Ors.*' Through the said order, the ASJ has dismissed the Petitioner's challenge to the order dated 01st March, 2024 passed by the Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973.¹
2. The Petitioner argues that the Accused/ Respondent No. 2, through a General Power of Attorney, Will, Affidavit, Agreement to Sell and other instruments, sold a plot of land admeasuring 2200 sq. yds. to the Petitioner. The said plot was purportedly a portion of a larger parcel of land measuring 4500 sq. yds., which Respondent No. 2 claimed to be his property. It was subsequently revealed that he never owned 4500 sq. yds. of land, but rather only held 2000 sq. yds.

¹ "CrPC"



3. Thereafter, in May 2018, Respondent No. 2 sold 2 bighas, *i.e.*, approximately 2000 sq. yds., of the same land to one Mr. Hemant Sharma through a registered sale deed, while misrepresenting to the Petitioner that the sale was being made from the remaining portion of the 4500 sq. yds. of land.

4. The Petitioner further alleges that upon visiting the subject land, he discovered that Mr. Hemant Sharma had constructed a boundary wall, leaving no land available at the site for the Petitioner.

5. It is further alleged that in a receipt dated 27th January 2018, Respondent No. 2 falsely referenced a purported RTGS payment of INR 1 Crore from the Petitioner, although no such payment had been made. Rather, a sum of INR 35,50,000/- had been transferred to the account of Respondent No. 3, Respondent No. 2's wife, with the balance being paid in cash to the Respondent No. 2 himself. The Petitioner claims that the entire sum of INR 1 Crore was duly paid to Respondent No. 2.

6. Since the police did not register an FIR, the Petitioner filed a complaint under Section 200 CrPC along with an application under Section 156(3), CrPC., alleging commission of offenses under Sections under Section 406, 420, 468, 471, 120B and Section 34 of the IPC. Upon reviewing the status report submitted by the police, the Magistrate, through order dated 01st March, 2024, rejected the Petitioner's request for an investigation by the police authorities. While the Petitioner challenged the said order, the same was rejected by the ASJ through the impugned order.

7. Mr. Tanmaya Mehta, counsel for the Petitioner, points out that Respondent No. 2 has also filed a complaint, making allegations against the Petitioner, with respect to the transaction in question. Pursuant to the said complaint, the Magistrate passed an order under Section 156(3) of the CrPC,



directing the registration of an FIR. The said FIR, bearing No. 675/2023, registered at PS- Kalindi Kunj, is currently under investigation.

8. In light of the above, after making some submissions, Mr. Mehta states that the Petitioner shall apply to the concerned Court in FIR No. 675/2023, PS-Kalindi Kunj for seeking investigation into the Petitioner's version of facts noted above. He further suggests that, since both the Petitioner's and Respondent No. 2's complaints pertain to the same transaction, the Petitioner's allegation can also be considered by the police as part of the investigation into the aforementioned FIR. Mr. Mehta submits that, regardless of whether or not a separate FIR is registered based on the Petitioner's complaint, the police must look into their allegations against Respondent No. 2, within the scope of investigation of the FIR registered by Respondent No. 2. To this end, Mr. Mehta requests the Court to clarify that such an application will be considered independently, uninfluenced by the view expressed in the impugned order.

9. In light of the foregoing, the present petition is disposed of, with liberty to the Petitioner to apply to the concerned Court in relation to FIR No. 675/2023, PS-Kalindi Kunj for seeking investigation into the allegations against Respondent No. 2. The said request shall be considered on its own merits, uninfluenced by the observations made in the impugned order. The Court has not commented on the merits of the case. All rights and contentions of the parties are left open.

10. In view of the foregoing, the petition is disposed of.

SANJEEV NARULA, J

JANUARY 13, 2025/nk