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

% *Date of decision: 8th August, 2025*

\+ CRL.M.C. 122/2023

DEV VERMA .....Petitioner

Through: Mr.Monu Chinmoy, Mr.Ajay Tiwari and Mr.Akshat Sinha, Advocates

versus

STATE AND ANR. .....Respondents

Through: Mr.Sanjeev Sabharwal, APP with Inspector Pramod Kumar and SI Anuj

Mr.Satish Tamta, Senior Advocate with Mr.Puneet Kumar Rai, Mr.Shariq Iqbal and Ms.Manavi Joshi, Advocates for R-2

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ARUN MONGA, J. (ORAL)

1. Quashing of an FIR No. 41/2022 dated 23.02.2022 under Sections 411/201/34 of the IPC registered at police station Tughlak Road (Crime Branch) is sought herein.

2. First and foremost the FIR itself to be seen which is reproduced hereunder verbatim:

" To, *February 23, 2022*
The SHO,
Police Station Tughlak Road,
New Delhi.

Subject: *Theft at 22 Amrita Shergil Marg, New Delhi.*

I, Nitesh Gera, S/O Mr. Ashok Gera R/O 356, GF, Shakti Khand-3, Indirapuram, Ghaziabad working as a Manager-administration in shahi Exports Pvt. Ltd.and taking care of day to day work of 22, Amrita Shergil Marg where the family of Mr. Harish Ahuja, Managing Director, Shahi Exports Pvt. Ltd., resides I have daily interaction with all the family members and came to know that the theft has happened in one of the room of Mrs. Sarla Ahuja (Mother of Mr. Harish Ahuja). This was first noticed on dated 11th Feb 2022. We have since been ascertaining the items and value of the goods stolen details of which is given below. The entire family resides on the ground floor, Mrs. Sarla Ahuja aged about 86 Yrs stays in one of the rooms of the house. It was noticed that the below mentioned jewellery and Cash amount (Amounting Rs. 2.40cr approx) kept in the Cupboard is missing. no outsider came to the said premises during the day time. But, as Mrs. Sarla Ahuja being old lady and has been keeping quite unwell, it is suspected that some unknown person probably the Nursing staff took the benefit of her old age. 2 Diamond Bangles, 1 Pair of Diamond Earings, 2 Sets of Gold and Diamond Sets. 12 Gold Chain + Pendant, 2 Gold Chain, 1Gold Bracelet, 1Gold Necklace Set, 2 Kara+8 Bangles, 2 Watches, cash it is requested that the FIR to be registered in the matter and investigation be done and the culprit be brought to the book.

Thanking You.

Yours Faithfully,

Sd/-
Nitesh Gera
Manager Administration
Shahi Exports Pvt. Ltd."

3. In the aforesaid factual backdrop, as noted in the FIR, I have heard rival contentions and perused the case file.

4. Learned counsel for the petitioner would argue on the lines of the grounds taken in the petition which *inter-alia* are --.

> *"5. Petitioner was unaware of the fact that the purchased jewellery from Accused Naresh Kumar Sagar is stolen. Said purchase was made on the bills and the purchase amount was transferred via NEFT from the account of Verma Jewellers to the account of accused Naresh Kumar Sagar. However in the chargesheet the investigation officer did not file all the bills of the petitioner.*
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> *6. Accused Naresh Kumar Sagar approached the petitioner on 22.03.2021 along with some old gold and stated that his mother in law was seriously unwell and needs money on urgent basis for her treatment. The petitioner took the Aadhar Card and PAN Card (KYC) of the Accused Naresh Kumar Sagar and the same was purchased by generating valid bill for the said purchase. The payment for the said purchase of Old Gold was transferred via NEFT to the Bank Account of Accused Naresh Kumar Sagar.Subsequently the Petitioner was approached again on 24.03.2021 and 26.03.2021 on the same pretext that the Mother-in-Law was unwell and he needs urgent funds to settle the hospital bills. Copy of the Bank Statement is annexed as Annexure P-3.*
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> *7. Accused Naresh Kumar has also purchased jewellery from the petitioner on 31.07.2021 and 02.08.2021 for INR 7500/- (Indian Rupees Seven Thousand Five Hundred) and INR 29,000/- (Indian Rupees Twenty- Nine Thousand Only) respectively. The said payment was transferred by the Accused Naresh Kumar Sagar to the Petitioner account via NEFT. Copy of bills alongwith the bank statement of Verma Jewellers is annexed herewith as Annexure P-4 (Colly).*
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> *8. That as per the chargesheet Aparna Ruth Wilson started working as a nurse with Mrs. Sarla Ahuja in April, 2021. However the first transaction of purchase of jewellery took place between the Petitioner and Accused Naresh Kumar Sagar on 22.03.2021.*
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> *9. That the first purchase of the Jewellery from the Accused Naresh Kumar Sagar was made on 22.03.2021 and the same piece of jewellery was allegedly recovered in April, 2022. It is pertinent to mention that lot of sale and purchase has taken place over the course of the year and the same cannot be attributed to this purchase/case.*
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> *10. That as per chargesheet the gold sold by the Accused Naresh Kumar Sagar to the Petitioner was melted and the same was recovered by the investigation officer. However, it is pertinent to mention that the melted jewellery cannot be identified that it has*

been melted from a particular piece of jewellery.

11. That as per the contents of the chargesheet filed in the present case, it is apparent from the face of it that it does not disclose about the alleged theft or any involvement by the Petitioner. As a matter of fact, no incriminating material was found or recovered from the Petitioner which clearly indicates that the said jewellery belonged to Mrs. Sarla Ahuja.

12. That as per the contents of the chargesheet filed in the present case, it is apparent from the face of it that it does not disclose about the knowledge or any other involvement by the Petitioner in the present case.

13. That it came as a complete shock and surprise to the Petitioner that the purchased jewellery is allegedly stolen as he had no knowledge of them whatsoever. That the petitioner has clean antecedents and has no other pending investigations or trials against him."

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5. Opposing the aforesaid arguments, learned APP urges that the defence of the petitioner herein and the arguments canvassed by his learned counsel are a matter of trial and cannot be adjudicated by this court on the basis of self serving affidavit of the petitioner.

5.1 At the very threshold he would draw my attention to para 4-7 of his report dated 10.02.2023 which reads as under.

" 4. That on 14.04.2022, during the course of investigation accused Naresh Kumar Sagar disclosed that he had sold the stolen jewellery to Verma Jewellers, Kalkaji and 24 Carat Gold Showroom. On his instance, one Dev Verma S/o Lala Ram Verma, R/o New Delhi, Kalkaji,st Floor1,66-0 F/R was apprehended and he disclosed that due to greed he had purchased stolen Gold/Diamond ornaments from accused Naresh Kumar Sagar S/o Veer Singlı R/o 222 B, Pocket -M, Sarita Vihar, Delhi and made new ornaments after converted/modified from the stolen jewellery in his Verma Jewellers showroom. On the instance of accused Dev Verma following jewellery articles were recovered:

Particulars	*Quantity*
Diamonds	*100 pieces (found in a plastic box)*
Golden	*06*

Chains	
Diamond Bangles	*06*
Diamond Bracelet	*01*
Golden Tops	*02 pair*
Big Earring	*01 pair*
Golden Chains	*03*
Golden rings (Big)	*02*
Golden Rings	*06*

5. That during investigation, on the back side of the box in which Diamonds were kept by accused Dev Verma, a slip, on which Naresh Kumar Sagar is written, was found stuck. Accused Dev Verma disclosed that he himself wrote the name of Naresh Kumar Sagar.

6. That during investigation, specimen handwriting of accused Dev Verma was taken after permission of Ld. Court. The Exhibits were sent to Forensic Science Laboratory for analysis and opinion. FSL report No. SFSLDLH/8420/QD/347/22, dt. 29.07.2022 was collected and found Specimen handwriting and questioned handwriting are similar.

7. That during investigation, accused Dev Verma produced two bill books. The bill books are in the name of Verma Jewellers, F-1, Main Road, Kalkaji, New Delhi-110019 and having duplicate copy of bills. Accused Dev Verma disclosed that that he also gave the bill and pay money to accused Naresh Kumar Sagar through NEFT for purchasing of stolen jewellery. The following bills nos. are pertains for purchasing of jewellery from Naresh Kumar Sagar by Dev Verma:

Bill No. & Date	*Amount*
261, Dt. 22.03.2021	*1,41,838/-*
263, Dt. 24.03.2021	*1,28,258/-*
265, Dt. 26.03.2021	*54,932/-*
306, Dt. 28.07.2021	*1,51,831/-*
309, Dt.	*1,15,519/-*

31.07.2021	
310, Dt. 02.08.2021	*3,79,047/-*
312, Dt. 07.09.2021	*3,26,806/-*

6. Having heard both sides and perused the record, I am of the opinion that no case is made out for summarily quashing the FIR against the petitioner. Reasons are recorded in the succeeding part of the order.

7. The theft at the house of Mrs. Sarla Ahuja was discovered on 11.02.2022. The petition itself shows that accused Aparna Ruth Wilson was appointed to take care of Mrs. Ahuja in April, 2021 and she worked there till January, 2022. It cannot be said in the instant summary proceedings when was the theft actually committed and by whom. Possibility of its commission during the said period cannot be altogether rule out.

7.1 Report dated 10.02.2023 relied upon by learned APP shows that on 14.04.2022, during investigation accused Naresh Kumar Sagar disclosed that he had sold the stolen jewellery to Verma Jewellers, Kalkaji and 24 Carat Gold Showroom. The report also shows that at the instance of accused Dev Verma aforesaid jewellery articles described in para 4 of the said report and 100 pieces of diamond contained in a box were recovered and that on the back side of the box in which Diamonds were kept, a slip was found stuck on which Naresh Kumar Sagar was written. On comparison of the writing on that slip with the specimen handwriting of accused Dev Verma by Forensic Science Laboratory, it was found vide it's report dated

29.07.2022 that the specimen handwriting (of the petitioner) and questioned handwriting(on the slip stuck to the plastic box) were similar. Prima facie, this material is indicative of some connection of the petitioner and accused Naresh Kumar Sagar atleast with the 100 pieces diamonds found in the plastic box recovered from the petitioner. It would not be appropriate for this Court summarily to hold, at least qua those 100 pieces diamonds found in the plastic box recovered from the petitioner. It would require evaluation /appreciation of evidence to decide whether they were the same or part of the same jewellery which the petitioner claims to have purchased from Naresh Kumar Sagar during the period from 22.03.2021 to 07.9.2021 or else they were part of the jewellery stolen from the house of Mrs. Sarla Ahuja, of which the theft was discovered on 11.02.2022.

7.2 Defence taken in the petition, inter alia, is that the petitioner had no knowledge that jewellery purchased by him from Naresh Kumar Sagar was allegedly stolen and that the melted jewellery cannot be identified so as to say that it had been melted from a particular piece of jewellery. These contentions also do not seem to justify or warrant a summary quashing of the FIR. The petitioner may raise these contentions with supporting material at appropriate stage of the trial and if raised, the same would be dealt with, evaluated and adjudicated on merits by the learned court at the conclusion of the trial taking into account the entire record and overall relevant circumstances in accordance with law.

7.3 Much emphasis has been laid on the contents of the FIR to contend that the petitioner is not named therein. The contention is completely misplaced. Trite it may sound, at the time of the registration of the FIR all that the informant has to do is give the information to the Police Officer qua commission of the offence and not necessarily the name the accused unless of course the complainant knows who is the culprit. Here the FIR shows that some unknown person/s had committed the theft. It is only in course of the investigation that the name of the petitioner cropped up as a suspect. Whether or not there was any involvement of the petitioner and/or other suspects, is once again a matter of defence to be taken in the learned Trial Court and is not a sufficient ground for this court to quash the FIR summarily.

7.4 Furthermore, it is emphasised that the bills of the purchase of the jewellery by the petitioner are prior to the date of employment of Accused Aparna Ruth Wilson, who was appointed to take care of Mrs. Sarla Ahuja in April, 2021. Given the nature of the employment, it is highly possible that prior to formal commencement of the relationship of master and servants, her services were being utilised by or the family of Mrs. Ahuja for her day-to-day requirements and subsequently she/they may have thought of hiring her on full time basis. Merely because some of the bills of purchase of the jewellery by the petitioner date prior to the commencement of employment of accused Aparna Ruth Wilson in April, 2021 is also of no consequence. In any case, once again, the same is also a matter of appreciation of evidence.

8. As an upshot, I find no ground to interfere. All the

defences/contentions raised before this Court are left open to be adjudicated by the learned Trial Court at appropriate stage. Before parting, it is clarified that any of the observations made by this Court shall not be either treated by the learned Trial Court as this Court's decision or expression of opinion on merits and that without being influenced by the same, it shall proceed further in accordance with law.

9. The petition is dismissed.

ARUN MONGA, J

AUGUST 8, 2025/SV