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

% *Date of decision: 10th March, 2025*

+ **W.P.(CRL) 82/2025, CRL.M.A. 730/2025**

1. SH HARI OM JINDAL
S/o Late Sh. Ram Chander JindalPetitioner No.1
2. SH. NARESH KUMAR
S/o Sh. Mohan LalPetitioner No.2

Through: Counsel for Petitioners (appearance not given).

versus

1. THE STATE
Through SHO, P.S. Budh Vihar, Delhi ..Respondent No.1
2. DEPUTY COMMISSIONER OF POLICE
District Rohini, Rithala Office,
Rohini, Delhi. ..Respondent No.2
3. MS. SAKSHI JAIN
W/o Sh. Ashwani Jain ...Respondent No.3
Through: Ms. Rupali Bandhopadhyam, ASC for
the State with SI Ujjwal, PS Budh
Vihar.
Ms. Ritu Jain, Advocate for
Respondent no. 3.

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+ **CRL.M.C. 1280/2025, CRL.M.A. 5711/2025 (Exemption)**

HARI OM JINDAL
S/o Late Sh. Ram Chander JindalPetitioner

Through: Counsel for Petitioner (appearance not given).



versus

THE STATE NCT OF DELHI

Through Govt. of NCT of Delhi

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Ujjwal, PS Budh Vihar.

Ms. Ritu Jain, Advocate for
Respondent no. 3.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The aforesaid two Petitions are decided together as they involve common facts.
2. ***Briefly stated***, the dispute pertains to Property No.63, admeasuring 60 Sq. Mtrs., Pocket 17, Sector 24, Rohini, Delhi. Shri Hai Om Jindal Petitioner had asserted that he purchased the suit property vide Sale Deed dated 26.08.2022 executed in his favour by erstwhile owner Shri Bhupinder Singh who had been allotted the aforesaid property vide Allotment Letter dated 24.03.1999 and was subsequently, made freehold in his name vide Conveyance Deed dated 07.07.2022.
3. However, one Sakshi Jain D/o Late Ramesh Chand Jain filed a Complaint under Section 200 Cr.P.C. along with one Application under Section 156(3) Cr.P.C on the averments that she and her family members came into contact with Rajesh Narang, a property



dealer who presented the allotment papers dated 12.11.1991 for the suit property in the name of Om Prakash Kaviraj S/o Shubh Karan Kaviraj, resident of Lucknow. This property got thereafter, sold by Naresh Kumar through General Power of Attorney, registered Will, Agreement to Sell, Affidavit and Possession Letter dated 08.10.1996. Subsequently, the registered Conveyance Deed dated 23.07.2021 was executed in his name. Thereafter, Naresh Kumar in collusion with other persons, sold the property to the Complainant Sakshi Jain, Mahima Jain, Meena Jain and Himanshu Jain for a sale consideration of Rs.35,20,000/- vide registered Sale Deed dated 02.09.2021. After getting the possession, Sakshi Jain and her family members secured the aforesaid plot by covering it with Tin Shed and installed a lock for safety and also got water and electricity metres installed and started paying the Property Tax.

4. Apparently, on 07.07.2022 Shri Hari Om Jindal along with Naresh Kumar visited the residence of Sakshi Jain and threatened that the property had been purchased by Hari Om Jindal from Naresh Kumar and belonged to him.

5. During the investigations, DDA revealed that initially the property was allotted to Om Prakash Kaviraj S/o Shubh Karan Kaviraj, but the allotment was subsequently cancelled for certain



reasons and the allotment money was refunded in his account. However, the DDA was unable to provide the documents pertaining to cancellation of allotment. DDA further stated that after cancellation of allotment in the name of Om Prakash Kaviraj, it was re-allotted to Bhupinder Singh resident of R.K. Puram, New Delhi through Application No.34012 of 24.03.1999 and possession was handed over to him on 12.05.2000. The title documents provided by Naresh Kumar, Pradeep Chikkara and Rajesh Narang were found to be false and fabricated. Consequently, FIR No.278/2024 under Section 420/34 IPC was registered, on 24.08.2024.

6. Further investigations revealed that Perpetual Lease Deed never got registered in favour of Om Prakash Kaviraj, by DDA. Furthermore, the Conveyance Deed in favour of Naresh Kumar was never registered or executed in respect of the suit property. However, the Sub-Registrar in Reply dated 25.11.2024 stated that in the *Dores software records*, the Conveyance Deed bearing Registration No.5312 dated 23.07.2021 was registered in the name of Naresh Kumar concerning the suit property. However, the copy of the Conveyance Deed was not available in the office easily.

7. The investigations thus, revealed the execution of two Conveyance Deeds in the office of Sub-Registrar in respect of the



suit property, one was in favour of Naresh Kumar dated 22.07.2021 and the second was in favour of Bhupinder dated 07.07.2022.

8. Further, upon verification the chain of documents provided by Rajesh Narang, Pradeep Chikkara and Naresh Kumar were found to be fake and fabricated. Therefore, Sections 467/468/471 IPC were added.

9. The investigations in the Complaint filed by Sakshi Jain further revealed that Hari Om Jindal and his brother Naresh Kumar had visited the house of the Complainant to extend threats for which the Complaint was filed at Police Station Shahbad Dairy. On further investigations, it has been found that Hari Om Jindal and Naresh had merely threatened the Complainant and her family members to vacate the suit property for which a separate complaint vide Diary No.112A dated 07.07.2022 has been registered at Police Station Shahbad Dairy. Furthermore, the investigations in FIR No.278/2024 are still being conducted.

10. In this backdrop, **Writ Petition (Crl.) 82/2025** has been filed by Hari Om Jindal and Naresh Kumar seeking quashing of FIR No.278/2024 registered at Police Station Budh Vihar, Rohini, Delhi under Section 420/34 IPC.

11. The quashing of FIR has been sought on the grounds that the



dispute is purely civil in nature for which a Civil Suit No.840/2022 has been instituted in which DDA has filed its Written Statement. Moreover, as per **the Status Report** dated 04.12.2023 of Respondent No.2/DCP, not only the documents of Petitioner No.1 Hari Om Jindal are found to be genuine, but the title documents produced by Sakshi Jain have been found to be false and fabricated and not having been issued by DDA.

12. Furthermore, in complete disregard of the fact that Complaint Case involving the same allegations between the parties is pending adjudication before the competent Court, this lack of due diligence and failure to take into account the existing records and proceedings, raised serious question about the propriety and fairness of the actions taken under his Authority. Prima facie, no criminal case is made out against the Petitioners.

13. Also, the FIR in question has been registered by deliberately misleading the Police Authorities and is a counterblast to the Complaint case filed by Hari Om Jindal, with the sole intent to harass the Petitioners. Despite being aware that no wrongful act or offence has been committed by the Petitioners, yet the FIR has been registered only to pressurize the Petitioners for compromising the matter. Also, no case under Section 420 IPC is made out from the averments made in the Complaint.



14. While registering the FIR, Respondent No.2 has overlooked its own Status Report dated 04.12.2023, wherein he himself had stated that the documents furnished by Respondent No.3 and her associates are forged and fabricated, while the documents of Petitioner No.1 Hari Om Jindal are found to be genuine.

15. Reliance has been placed on Inder Mohan Goswami & Ors. vs. State of Uttranchal & Ors. decided on 09.10.2017 by the Apex Court, wherein the principles and guidelines have been laid down for exercise of the powers by the Court to quash the proceedings.

16. It is submitted that the Respondent No.3 has deliberately and wilfully concealed the facts of her husband having written similar Complaints on similar facts. There is no justification as to why Respondent No.3 chose to lodge the Complaint nearly two years after the purchase of the suit property.

17. Therefore, the quashing of the FIR No.278/2024 registered against the Petitioners is sought.

18. In this case, the **Status Report has been filed by the Respondent No.1/SHO**, wherein after giving the entire details as already narrated above, it has been stated that the only role of the Petitioners ascertained after the inquiry in the FIR is that they have extended threats to the Complainant and her family members to vacate the property in question.



19. In view of the aforesaid detailed inquiry which has been conducted by the Police in FIR No.278/2024, wherein the only offence which is prima facie made out is of extending threats, there is no ground for quashing of the FIR at this stage. However, it is hereby directed that the investigations be expeditiously concluded and the Chargesheet be filed. Whether any offence if made out or not can only be ascertained after the filing of Chargesheet and merely the averments made in the Complaint are not sufficient to conclude that no offence is made out.

20. Therefore, this Petition is disposed of with liberty to the Petitioners to make these averments before the appropriate Forum on filing of the Chargesheet.

CRL.M.C. 1280/2025:

21. A Petition has been filed by Hari Om Jindal against the Order dated 13.02.2025 of learned ASJ who has upheld the Order of the learned M.M dismissing the Application under Section 156(3) Cr.P.C. for registration of the FIR against Sakshi Jain and Associates.

22. The Petitioner Hari Om Jindal had filed a Complaint Case No.7457/2023 titled "*Hari Om Jindal vs. Meena Jain & Ors.*" for registration of the FIR by claiming that they had forged and fabricated the documents pertaining to the suit property.



23. The learned M.M dismissed the Application by observing that it was not a fit case for issuing directions of FIR as the identity of the accused persons was known, entire evidence was within the control of the Complainant and all the incriminating facts were in the knowledge of the Complainant. The Complainant was thus, directed to lead evidence under Section 202 Cr.P.C. in his Complaint under Section 200 Cr.P.C.

24. *Learned ASJ in the Revisional Order dated 13.02.2025* also concurred with the learned M.M and upheld the Order of the learned M.M. Aggrieved by the two Orders, the present Revision Petition has been filed.

25. The impugned Order refusing to direct registration of FIR under Section 156(3) Cr.P.C has been challenged on the grounds that the learned Sessions Judge and the learned JMFC have wrongly concluded that no police assistance is required to collect the evidence, whereas only the police machinery is equipped with the authority and resources to conduct a comprehensive inquiry or investigations into the circumstances surrounding the registration of alleged Conveyance Deed dated 23.07.2021 in favour of Naresh Kumar.

26. Furthermore, it has been erroneously concluded that the dispute pertains solely to ownership and possession of the suit



property when the Police Report and reply of DDA clearly reflects that matter involves serious case of forgery orchestrated through misuse of erring officials from DDA and the concerned Sub-Registrar. It has been wrongly observed that the ownership documents can be conveniently summoned by the Court at the stage of pre-summoning evidence. It has been overlooked that the alleged forged documents are not part of the DDA's official record, which are in the exclusive custody and possession of the accused persons namely Meena Jain, Sakshi Jain, Himanshu Jain and Mahima Jain. Without intervention of the Police machinery, these documents cannot be seized and scrutinized. Moreover, interrogation of the erring officials of both the Govt. Departments is required and only thereby the real truth can be uncovered.

27. It is asserted that the learned ASJ and JMFC have failed to recognize the necessity of custodial interrogation of the accused persons which is crucial for recovery of forged documents. It has not been considered that the Petitioner Hari Om Jindal is 61 years old and does not have access to all the necessary evidence. It has been wrongly held that the Petitioner is in possession of all the evidence and that he can produce the witnesses on his own or through Court, whereas the fact is that it is the duty of the Police to procure and preserve the evidence in support of the Complaint.



28. Reliance has been placed on the case of Lalita Kumari vs. Govt. of U.P. & Ors. [2013] 14 SCR 713, wherein it has been directed that when the information/Complaint discloses a commission of cognizable offence, the registration of FIR is mandatory under Section 154 Cr.P.C. Reliance has also been placed on Suresh Chand Jain vs. State of Madhya Pradesh, AIR 2001 SC 571 and Madhubala vs. Suresh Kumar And Others, 1997 INSC 569, wherein similar observations have been made.

29. It is, therefore, submitted that the impugned order is liable to be set aside and directions be issued for registration of FIR.

30. Submissions heard.

31. It is pertinent to observe that from the aforesaid narration of facts it emerges that the two sets of Conveyance Deeds have been executed, one in favour of Naresh Kumar which has its genesis in the Allotment Letter executed in favour of Om Prakash Kaviraj, while the other set of documents is the Conveyance Deed executed in favour of Bhupinder Singh, on the basis of original allotment in the name of Bhupinder Singh. It has also been revealed in the Inquiry that the set of documents and the Conveyance Deed which has its genesis in Om Prakash Kaviraj is apparently forged and fabricated for which investigations are already being carried out in FIR No.278/2024.



32. It is pertinent to observe that the learned ASJ has declined for registration of FIR on the grounds that the identity of the Respondents is already known which is not in dispute as the alleged accused persons are named.

33. The *second aspect* is in relation to the alleged forged property documents. In so far as the record of DDA, in regard to original allotment/re-allotment, is concerned, it has been rightly observed that the said evidence can easily be procured by summoning of the officials from DDA. In so far as the original documents are concerned, the Police has already been carrying out the investigations and these are the documents on which reliance had been placed by the accused persons to claim the title. So say that these documents are not available, is against the record.

34. In so far as ascertaining the genuineness of the property documents are concerned, that again can be easily determined through the witnesses by the Petitioner. Also, it cannot be overlooked that the Police has already conducted enquiry into the genuineness of documents and found the documents produced by respondents, as not genuine.

35. Pertinently, merely because the Application under Section 156(3) Cr.P.C has been dismissed, does not imply that the learned Trial cannot use the state machinery for investigations, if required,



under Section 202 Cr.P.C. While it is correct that Section 154 Cr.P.C mandates the registration of FIR on a Complaint or information which discloses prima facie commission of a cognizable offence as has been observed in the case of Lalita Kumari (supra), but the Section 156(3) Cr.P.C further provides the mechanism for investigations by making a Complaint under Section 156(3) Cr.P.C in the event despite a Complaint made to the Police and to the Superior Officers, no FIR has been registered.

36. Therefore, the Petitioner has already resorted to Section 200 Cr.P.C by making a Complaint to bring out the alleged offences committed against the Respondent, which would be determined in accordance with the evidence led by both the parties. It is not as if that by the impugned Order, the rights of the Petitioners has been closed or it has been found that the Complaint has no merit, but only the Application under Section 156(3) Cr.P.C. for registration of FIR, has been dismissed.

37. There is no merit in the present Petition, filed by the Petitioner, which is hereby dismissed.

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 10, 2025/va