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

% *Date of decision: 13th February, 2025*

+ **W.P.(CRL) 484/2025**

SH. ANISH AHMED

S/O Shri Yusuf Ali,
R/o A-89, Gali No. 5,
Chand Bagh, Delhi-110094

.....Petitioner

Through: Mr. Varun Dhingra, Mr. Sumeet
Singh Chauhan, Mr. Sandeep Kumar,
Mr. Rakesh Upadhyay & Mr. Harsh
Kaushik, Advocates.

versus

1. **STATE (GOVT. OF NCT OF DELHI)**

Through SHO, PS Dayalpur

.....Respondent No. 1

2. **COMMISSIONER OF POLICE**

Police Headquarters,
10th Floor, Tower 1, Jay Singh Road,
New Delhi-110001

.....Respondent No. 2

3. **DIRECTORATE OF VIGILANCE**

Through its Director (Vigilance),
Govt. of NCT of Delhi,
4th Floor, 'C' Wing,
Delhi Secretariat, New Delhi

.....Respondent No. 3

4. **DIRECTORATE OF VIGILANCE**



Delhi Police Vigilance Department,
Jt. Commissioner of Police,
Police Station Building, Barakhamba Road,
Fire Brigade Lane, New Delhi-110001

.....Respondent No. 4

5. **STATION HOUSE OFFICER**

Police Station Dayalpur, Delhi

.....Respondent No. 5

6. **HC RAVISH KUMAR**

Police Station Dayalpur, Delhi

.....Respondent No. 6

7. **AAFTARA**

W/o Mohd. Adil,
R/o 462, Gali No. 6, Main 25 Futa Road,
Rajiv Gandhi Nagar, New Mustafabad,
Delhi-110094

.....Respondent No. 7

ALSO AT

B-357, Gali No. 6, Nehru Vihar,
Dayalpur, Delhi-110094

8. **MOHD. ADIL**

S/o Tahir,
R/o 462, Gali No. 6, Main 25 Futa Road,
Rajiv Gandhi Nagar, New Mustafabad,
Delhi-110094

ALSO AT

B-357, Gali No. 6, Nehru Vihar,
Dayalpur, Delhi-110094

.....Respondent No. 8



9. **GOVIND SHARMA**

S/o Shri Sukhveer Singh,
R/o A-1/135, Gali No. 2,
Prem Vihar, Karawal Nagar,
Delhi-110094

.....Respondent No. 9

10. **IMRAN**

S/o Tahir,
R/o B-357, Gali No. 6, Nehru Vihar,
Dayalpur, Delhi-110094

.....Respondent No. 10

11. **MOINUDDIN (GUDDA PRADHAN)**

S/o Shahiq Pradhan,
R/o B-38, Gali No. 2, Chand Bagh,
Delhi-110094

.....Respondent No. 11

12. **MUNTIYAZ ALI**

S/o Nabi Hasan (Aman Properties),
R/o E-115, Gali No. 2,
Munga Nagar, Delhi-110094

.....Respondent No. 12

13. **SOHAIL**

S/o Unknown,
R/o Unknown

.....Respondent No. 13

14. **INDERJEET**

S/o Unkown,
R/o Unknown

.....Respondent No. 14

Through: Mr. Yasir Rauf Ansari, ASC, CrI.,



Mr. Alok Sharma & Mr. Vasu
Agarwal, Advocates for State.
S.I. Mohd. Naseem Khan & HC
Ravish Kumar, PS Dayalpur, Delhi.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. The present Petition under Article 226 of the Constitution of India read with Section 482/Section 528 of Bharatiya Nagarik Suraksha Sanhita (*hereinafter referred to as 'BNSS'*) has been filed on behalf of the Petitioner seeking to issue a Writ of Mandamus directing Respondent Nos. 1 to 5 to register the FIR and initiate disciplinary proceedings against the Respondent No. 6 and to direct Respondent Nos. 1 to 5 to register FIR based on Complaint to SHO dated 18.07.2024 bearing DD No. 104, Police Station Dayalpur, Delhi.
2. ***Facts in brief*** are that the Petitioner while in search of purchasing a residential property, was approached by Respondent Nos. 10, 11 and 12, Imran, Moinuddin and Muntiyaz Ali respectively, who are Dealers in real estate. They showed the Petitioner Property bearing No. B-351, Khasra No. 333, situated at Abadi of Gali No. 6, B Block, Nehru Vihar, Village, Mustafabad, Shahdara, Delhi-110094 (*hereinafter referred to as the "subject property"*) and introduced Respondent No. 9/Govind Sharma as the true and rightful registered holder/owner of the subject property.
3. In the absence of the Respondent Nos. 10, 11 and 12, a deal was fixed for purchase of the subject property on payment of sale consideration



of Rs. 96,00,000/-, out of which a token money of Rs. 5,000/- was paid to the Respondent No. 9/Govind Sharma, the owner, in the month of April, 2023.

4. It is submitted that on 09.06.2023, a sum of Rs. 62,00,000/- was paid to the Respondent No. 9/Govind Sharma in cash. In order to gain the trust of the Petitioner, the Respondent No. 9/Govind Sharma executed the documents, namely, GPA, Receipt, Agreement to Sell, Possession Letter and Will in favour of Shri Yusuf Ali, the father of the Petitioner and also handed over the possession of the subject property.

5. Thereafter, the Petitioner demanded original registration papers to check the Title of the subject property, but on all occasions, the Respondent Nos. 9 to 12, procrastinated and assured that they would show the papers after sometime. They lured the Petitioner to pay the purchase price and by their acts of executing certain documents, the Petitioner believed them and had no iota of doubt in his mind.

6. After sometime, when a doubt in regard to true ownership crept up in the mind of the Petitioner, he made enquiries and came to know that in fact, the owner was Respondent No. 7/Aaftara. The Petitioner further discovered that the same was previously in the name of the Respondent No. 9/Govind Sharma and that the subject property was mortgaged with one Bank against which a loan had been taken.

7. It is claimed that the Respondent Nos. 7, 9, 10, 11 and 12 were well aware of the fact about the ownership and they deliberately committed a fraud on the Petitioner, causing a financial loss.

8. On discovery of the true fact of ownership of the subject property,



the Petitioner approached Respondent No. 11/Moinuddin and told him that he was going to file a Complaint of cheating and fraud with the Police, in response to which the Respondent No. 11/Moinuddin suggested he would transfer the subject property in the name of the Petitioner on his payment of the balance amount in the account of Respondent No. 10/Imran, so that the entire loan to the Bank could be cleared and the subject property could be transferred in the name of the Petitioner. Initially, the Petitioner agreed to this proposal and on 18.12.2023, the Respondent No. 7/Aaftara transferred GPA, Possession Letter, Receipt etc., in his favour.

9. When the Petitioner asked for registration of Sale Deed in his favour, the Respondent Nos. 7 to 12 intentionally told him to make the payment of balance amount in various accounts, the details of which were given by Respondent No. 7/Aaftara. Once the entire payment was made, they assured the Petitioner that they would register the Sale Deed in his favour. Accordingly, the Petitioner transferred a sum of Rs. 31,20,000/- in favour of the Respondent No. 8/Mohd. Adil, Rs. 2,00,000/- to Respondent No. 13/Sohail and Rs. 2,00,000/- to the Respondent No. 9/Imran. After transferring all the amounts, despite several requests of the Petitioner, the Sale Deed was not registered in his favour.

10. The **Respondent No. 9/Govind Sharma** had represented himself as the registered holder of the subject property and a sum of Rs. 97,25,000/- had been received by Respondent Nos. 7, 8, 9 and 13 and thereafter, the documents had been executed in the name of the Petitioner's father. It clearly reflects that the Respondent No. 9/Govind Sharma was actively involved in the commission of the offence.



11. The Petitioner lodged a Complaint dated 18.07.2024 against the Respondent Nos. 7 to 12 which was registered *vide* DD No. 104 at Police Station Dayalpur, Delhi which was referred to the Deputy Commissioner of Police, North East District, Delhi on 19.07.2024, but no steps were taken on the said Complaint.

12. It is submitted that the Respondent No. 6/HC Ravish Kumar was assigned the Complaint of the Petitioner, who pressurised and coerced him not to press the matter and deliberately to exclude some of the prime accused persons, namely, Respondent Nos. 9, 11 and 12, he in collusion with these Respondents, prepared a Complaint against the other Respondents and changed the facts of the Complaint, so that no link could be established between the Petitioner and the Respondent Nos. 9, 11 and 12. The Respondent No. 6/HC Ravish Kumar drafted the Complaint dated 22.10.2024 according to his own whims and wishes by excluding the Respondent Nos. 9, 11 and 12, which he made the Petitioner sign under coercion and undue influence.

13. Being a layman, the Petitioner out of fear signed the said Complaint which became the basis of registration of FIR No. 661/2024.

14. It is alleged that the Respondent Nos. 9, 11 and 12 were actively involved in committing the fraud upon the Petitioner. Aggrieved by the actions of the Respondent No. 6/HC Ravish Kumar, the Petitioner made a Complaint against the Respondent No. 6/HC Ravish Kumar before the Respondent Nos. 2 to 5 on 09.01.2025, but to his shock, no action has been taken by them.

15. *Learned counsel for the Petitioner, on the other hand,* has explained



that the subject property was originally purchased by Smt. Adesh who transferred it to Smt. Shabana and thereafter, it got transferred to some other persons and eventually, the Title documents got executed in favour of the Respondent No. 9/Govind Sharma who entered into an Agreement to Sell to transfer the subject property for a sale consideration of Rs. 96,00,000/-.

16. Learned counsel for the Petitioner has further explained that the entire chain of documents was forged as the actual owner was Respondent No. 7/Aaftara who had mortgaged the subject property to a Bank and had taken a loan of Rs. 35,00,000/- against it. Subsequently, Respondent No. 7/Aaftara entered into the Agreement to Sell with the Petitioner and on the assurances of the Respondent Nos. 7 to 12, paid Rs. 35,00,000/- to Respondent Nos. 8, 9 and 13 for discharging the loan by paying the said amount to the Bank.

17. It is claimed that a fraud has been committed upon the Petitioner and Respondent No. 6/HC Ravish Kumar also cheated him. Though the Petitioner had made the Complaint dated 18.07.2024, wherein the true facts were reflected, but he wrote another Complaint dated 22.10.2024, wherein he edited the true events in such a manner that there were no allegations made against the Respondent Nos. 9, 11 and 12.

18. It is further submitted that though the *FIR No. 661/2024* got registered on the subsequent Complaint dated 22.10.2024 prepared by the Respondent No. 6/HC Ravish Kumar, but no investigations have been carried out in the said FIR.

19. Hence, directions are sought to be issued to Respondent Nos. 1 to 5 for the registration of FIR against Respondent No. 6/HC Ravish Kumar and initiate disciplinary proceedings against him and to register FIR based on



Complaint to SHO dated 18.07.2024 bearing DD No. 104, Police Station Dayalpur, Delhi against the Respondent Nos. 7 to 14.

20. ***Learned Additional Standing Counsel on behalf of the State*** submits that the FIR already stands registered and the investigations are in progress. There is no merit in the present Petition which is liable to be dismissed.

21. **Submissions heard and record perused.**

22. From the entire narration of facts, it is evident that according to the Petitioner he had been defrauded in entering into the Agreement to Sell with the Respondent No. 9/Govind Sharma, though a sum of Rs. 62,00,000/- was paid in cash to the Respondent No. 9/Govind Sharma who in lieu thereof handed over the physical possession of the subject property and the Petitioner since then is in physical possession.

23. According to the Petitioner, he subsequently had come to know that the Respondent No. 7/Aaftara is the registered owner and he entered into Agreement to Sell and also made payment of Rs. 35,20,000/- as balance consideration. The Petitioner's grievance is that the Sale Deed is not being executed. It is essentially an execution of Specific Performance of Agreement to Sell which is being sought by the Petitioner, for which the remedy lies by way of Civil Suit.

24. In any case, the FIR No. 661/2024 already stands registered and during the investigations, fraud if any, which has been committed on the Petitioner shall be unravelled. The prayer of the Petitioner for registration of FIR thus, stands satisfied.

25. It is asserted that the true and complete facts in the Complaint dated 22.10.2024 has not been recorded on the basis of which the present FIR has



been registered. Insofar as the contents of the Complaint dated 18.07.2024 have not been recorded is concerned, there can always be a Supplementary Statement that can be made by the Complainant/Petitioner to bring on record the entire and complete facts during the investigations which are ongoing in FIR No. 661/2024.

26. Essentially, the prayers made in the present Petition already stand satisfied and no further directions are merited in the Petition.

27. Accordingly, the present Petition is disposed of in the above terms.

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 13, 2025
S.Sharma