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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 1373/2025**

NEELAM DEVI

.....Petitioner

Through: Mr. Brijender S. Dhull,  
Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Sunil Kumar Gautam,  
APP for the State.  
SI Rajesh Chauhan, PS  
Palam Village, New Delhi.  
Mr. Parth Mahajan, Adv.  
for R-2 to R-5.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**  
**21.05.2025**

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1. The present petition is filed challenging the order dated 12.07.2024 passed by the learned Special Judge (hereafter '**Revisional Court**'), South-West District, Dwarka Courts, New Delhi, in Crl. Rev. No. 278/2018 (hereafter '**impugned order**').
2. The learned Revisional Court by the impugned order, dismissed the revision petition filed by the petitioner challenging the order dated 13.04.2018 pursuant to which the protest petition filed by the petitioner was dismissed, accepting the closure report filed by the State.
3. The FIR No. 19/2012 dated 04.02.2012, was registered at Police Station Palam Village for offences under Sections 468/471 of the Indian Penal Code, 1860 ('IPC').



4. The FIR was registered on a complaint given by the petitioner to the Public Grievance Commission alleging the petitioner's husband namely– Sh. Naresh Kumar, was allotted a Plot of 115 sq. yards bearing No. E-1/27, in Khasra No. 29/15, Patta No. 65 (hereafter 'plot') on 31.08.1984 *vide* the 20 point programme, which was in possession of Sh. Naresh Kumar and in regard to which a Patta Certificate was issued to him. It is alleged that Respondent No. 3 and 5 somehow managed to get the original certificate and receipt of LR 37 from Sh. Naresh Kumar. It is alleged that the accused persons did not attempt to usurp their land till the time the grandfather-in-law of the petitioner namely– Sh. Sher Singh, was alive, as he was an influential man. However, after his demise on 11.02.2001, Respondent No. 3 came to Sh. Naresh Kumar in order to get some papers signed in consideration of Rs. 15,000/-, which was refused by Sh. Naresh Kumar. It is stated that after the demise of Sh. Naresh Kumar on 25.03.2004, the petitioner was not in a position to maintain her properties, and after a few days, she found out that Respondent No. 3 had occupied the plot, claiming to have bought the same, knowing that the petitioner would have no papers to prove her ownership.

5. It is alleged that the petitioner went to BDO (S-W) Office Najafgarh for duplicate papers and also applied for mutation of the plot, when she was informed that the said plot was in possession of someone else. The petitioner is stated to have approached Deputy Commissioner (S-W) Kapashera, New Delhi, when all the papers in relation to the plot were retrieved and were found to be forged. It is alleged that as per the record, Respondent No. 4 sold the plot in the name of one Sh. Santram



on 24.09.2001, on the basis of a fake certificate issued by Respondent No. 5. Sh. Santram, who is stated to be the brother-in-law of Respondent No. 3, further sold the plot to Respondent No. 2 on 21.08.2004. Respondent No. 2 is stated to be the younger brother of Respondent No. 3.

6. The petitioner relied upon (i) the certificate issued by BDO (S-W) regarding the 20 point programme survey conducted in 2005, wherein it was found that the plot was in the name of Sh. Naresh Kumar, (ii) the survey conducted in 2001 by Deputy Commissioner (S-W) where the main inquiry committee found that the plot was in the name of Sh. Naresh Kumar (iii) survey conducted in 1995 under the supervision of Deputy Commissioner Shri. D.M. Safolia, wherein it was found that the plot was in the name of Sh. Naresh Kumar (iv) the list of 1125 plots submitted by Panchayat Palam Village to BDO Najafgarh in 1984-1985, in which the name of Sh. Naresh Kumar is at 65<sup>th</sup> number in the first list (v) an application dated 02.05.2008, made by Respondent No. 2 to the Deputy Commissioner, Kapashera for information as to Plot No. E-1/27 falling in Khasra No. 34/25/1, which was replied to, stating that the Plot No. E-1/27 falls in Khasra No. 29/15.

7. The Investigating Officer filed a closure report before the learned Metropolitan Magistrate (hereafter '**Trial Court**'), Dwarka Courts, New Delhi, stating that the authenticity of documents with regard to the transfer of the said plot and transactions thereof, could not be verified from BSES and Delhi Jal Board Department.

8. The learned Trial Court *vide* order dated 20.04.2015 rejected the closure report filed by the Investigating Officer and



directed for further investigation.

9. Thereafter, upon investigation, another closure report was filed by the Investigating Officer, wherein it was noted that the petitioner joined the investigation and stated that the said plot was allotted to her husband in the Pradhan Mantri 20 point programme in 1984 and produced a survey list in regard to the same. It was noted that the petitioner did not produce any document or witness to show that she and her husband were in possession of the said plot. Notice was issued to Zonal Revenue Officer, Delhi Jal Board for information with regard to connection No. 20805, wherein it was found that the said water connection was sanctioned to Respondent No. 2. The electricity connection was also sanctioned to Respondent No. 2. Notice was also issued to BDO, Najafgarh, Delhi with directions to produce allotment list of the plots and survey reports, however, it was found that no such approved/ authenticated survey list is available in their office records. Statements of witnesses under Section 161 of the Code of Criminal Procedure, 1973 ('CrPC') were recorded, who deposed that the plot in question was in the possession of Respondent No. 2 and not Sh. Naresh Kumar.

10. The petitioner filed a protest petition stating that there was lack of investigation in the present matter. She relied on the letter dated 02.05.2008 sent by Respondent No. 2 to Deputy Commissioner (S-W) wherein he has admitted that Sh. Naresh Kumar has submitted Patta Certificate and LR 37 for the said plot which happens to be incorrect, and informing that he has purchased the said plot from Respondent No. 4, and also done some construction on the same.

11. The learned Trial Court by order dated 13.04.2018 while



accepting the closure report filed by the State, noted that the petitioner failed to produce any allotment letter or witnesses to ascertain that the said plot was allotted to Sh. Naresh Kumar and that he was in possession of the same. It was noted that the witnesses that had been produced by Respondent No. 2 deposed that he has been possession of the said plot and that Sh. Naresh Kumar was never in possession thereof. The learned Trial Court further observed that even otherwise, the survey report of 2005 relied upon by the petitioner is faulty, as Sh. Naresh Kumar died in 2004 itself, and thus, could not be in possession of the said plot.

12. The petitioner challenged the order dated 13.04.2018 passed by the learned Trial Court in a revision petition bearing No. Crl. Rev. 278/2018, claiming that proper investigation was not done by the Investigation Officer. It was claimed that Respondent No. 2 prepared a Patta Certificate in respect to the plot in the year 2008-09 to usurp the land of the petitioner in connivance with Respondent No. 5, who signed the said fake document, and that the said plot was never allotted to him, as it is Respondent No. 2's own admitted position that he had purchased the same in 2004. It was further pointed out that the document in respect of the electricity connection obtained by Respondent No. 2 in the year 2008, mentions the Khasra No. as 34/25 instead of Khasra No. 29/15.

13. The learned Revisional Court upheld the order passed by the learned Trial Court, and observed that no forged document has come on record, and that the same, even if proved, will not entitle the petitioner to take possession of the said plot. The learned Court held that even otherwise, the issue regarding



ownership and possession are matter of civil litigation.

14. The learned counsel for the petitioner submits that the respondents have removed all the record to show that they have forged the documents.

15. He submits that the Investigating Officer has not investigated the fact that the survey report of 1995 submitted by Sh. D.M. Sapolia DC (S-W) had the name of Sh. Naresh Kumar in the list of allottees of 1125 plots prepared in 1984-1985.

16. He submits that the Investigating Officer has not investigated how three Patta Certificate have been issued in respect of the same plot to Respondent Nos. 2 and 4 and Sant Ram and whether the same are genuine or not. He further submits that the said documents have not even been sent to CFSL.

17. He submits that the investigating Officer has ignored the survey reports of 1995, 2001 and 2005 which show that Sh. Naresh Kumar was in possession of the said plot, and that the same was never allotted to Respondent No. 2.

18. He submits that the Patta Certificate dated 31.08.1984 issued in the name of Respondent No. 2 was fabricated in 2008-09 and that if the same was genuine, there would be no need for Respondent No. 2 to have purchased the said plot in 2004 and applying to the Deputy Commissioner, Kapashera, for amendment of the survey report of 20 point programme scheme. He relies on the letter dated 02.05.2008 sent by Respondent No. 2 to Deputy Commissioner (S-W) wherein he sought amendment of the survey report in regard to the said plot.

19. *Per contra*, the learned counsel for Respondent Nos. 2 to 5 submits that the present petition is not maintainable and is liable



to be dismissed, as the petitioner is attempting to give criminal colour to a dispute of civil nature.

20. He submits that the petitioner has wrongly stated that her husband Late Sh. Naresh Kumar was issued a certificate in respect of the said plot, whereas in the letter dated 26.04.2008 sent by the petitioner to Lt. Governor, the petitioner has herself admitted the fact that neither any Patta Certificate nor the possession in regard to the said plot was ever given to her late husband. He submits that the same has not been placed on record in the present proceedings, however it forms part of the civil suit seeking possession and permanent injunction bearing CS DJ ADJ No. 16100/ 2016, which has been dismissed and RFA No. 184/ 2025 is now pending.

21. I have heard the counsel and perused the record.

22. The first issue that falls for the consideration of this Court is whether the petitioner having already availed the remedy of revision should be allowed to take recourse to Section 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023 ('BNSS') (akin to Section 482 of the CrPC) as a substitute for initiating a second revisional challenge which is clearly barred under Section 397(3) of the CrPC which reads as follows:

*“(3) If an application under this section has been made by any person either to the High court or to the Sessions Judge, no further application by the same person shall be entertained by the either of them.”*

23. While it is settled law that a second revision cannot be filed in terms of the bar under Section 397 of the CrPC, the inherent power of this Court under Section 482 of the CrPC has a wide ambit and can be exercised in the interest of justice.



However, the power under Section 482 of the CrPC is to be exercised cautiously and sparingly, especially when Sessions Judge has already exercised revisional power under Section 397 of the CrPC. The Hon'ble Apex Court, in the case of **Krishnan v. Krishnaveni : (1997) 4 SCC 241**, had observed as under:

*“8. The object of Section 483 and the purpose behind conferring the revisional power under Section 397 read with Section 401, upon the High Court is to invest continuous supervisory jurisdiction so as to prevent miscarriage of justice or to correct irregularity of the procedure or to mete out justice. In addition, the inherent power of the High Court is preserved by Section 482. The power of the High Court, therefore, is very wide. However, the High Court must exercise such power sparingly and cautiously when the Sessions Judge has simultaneously exercised revisional power under Section 397(1). However, when the High Court notices that there has been failure of justice or misuse of judicial mechanism or procedure, sentence or order is not correct, it is but the salutary duty of the High Court to prevent the abuse of the process or miscarriage of justice or to correct irregularities/incorrectness committed by inferior criminal court in its juridical process or illegality of sentence or order.”*

(emphasis supplied)

24. At the stage of taking cognizance, the learned Trial Court is supposed to apply its mind to the facts at hand case as well as the investigation report. After examination of the allegations and material on record, the learned Trial Court is required to record its satisfaction that sufficient grounds exist for proceeding against the accused.

25. This Court is conscious of the limited scope of interference under Section 482 of the CrPC in the orders passed after consideration of a complaint and the report filed of the Police officer on completion of the investigation. The Magistrate can exercise the option of applying his own judicial mind to the entire material on record and also call for a report from the



police. Thereafter, once a closure report is filed by the police, the Magistrate applies his mind to the material before him. After this, the Magistrate may make up his mind to either reject the closure report or accept it.

26. In the present case, the learned Trial Court has passed a detailed order, recording its satisfaction that *prima facie* offences under Sections 468/471 of the IPC are not made out, thereby confirming the closure report. The learned Trial Court noted that the petitioner did not provide any allotment letter or produce any witnesses to confirm that the plot was assigned to Sh. Naresh Kumar or that he was ever in possession of the same. The witnesses presented by Respondent No. 2 stated that he had possession of the said plot and that Sh. Naresh Kumar never held it. Additionally, the Trial Court pointed out that the petitioner's reliance on the 2005 survey report is misplaced, as Sh. Naresh Kumar had passed away in 2004 and therefore could not have possessed the plot at that time.

27. It is observed that two closure reports have been filed by the State before the order passed by the learned Trial Court. The investigation revealed that the subject plot was allotted to Respondent No. 2, as per the statement of Respondent No. 5, as recorded by the previous Investigating Officer. He further recalled that, to the best of his knowledge, the plot adjacent to Pochanpur Road had been allotted to Mr. Naresh Kumar and was subsequently acquired by the DDA. Additionally, it was observed that the survey report submitted by the petitioner was flawed, as reflected in Letter No. F-2927 dated 04.03.2011 from Sh. R.A. Dhoray, BDO, Najafgarh, which was filed before the Public Grievance Commission. It was also noted that no



supporting documentation was produced by the petitioner in support of his claims. Furthermore, it was highlighted that a civil suit regarding the said plot was ongoing between the parties. In addition, when a notice was sent to the Zonal Revenue Officer and the Delhi Jal Board to obtain information regarding water connection No. 20805. It was revealed that this water connection had been granted to Respondent No. 2. The electricity connection was likewise sanctioned in favor of Respondent No. 2. Additionally, a notice was issued to the BDO, Najafgarh, instructing them to provide the allotment list of plots and relevant survey reports. However, it was established that no such approved or authenticated survey list was available in their office records. Witness statements were recorded under Section 161 of the CrPC, wherein it was confirmed that the plot in question was in the possession of Respondent No. 2 and not Mr. Naresh Kumar.

28. By the impugned order, the learned Revisional Court, while upholding the order dated 13.04.2018 passed by the learned Trial Court, dismissed the revision petition filed by the petitioner. The learned Revisional Court held that the order passed by the learned Trial Court has been passed after dealing with all the contentions of the petitioner at length. It was noted that no document had been produced by the petitioner on the basis of which she is claiming that the same was in the possession and ownership of her late husband Sh. Naresh Kumar. The learned Revisional Court observed that the letter dated 11.06.2008 issued by BDO pursuant to a RTI, mentions that as per the survey report of 2005, the said plot was allotted to Sh. Naresh Kumar, however, another letter dated 03.03.2011 issued



by BDO to Public Grievance Commission mentions that no allotment record was available with the BDO Office, as the same was never deposited by the Village Pradhan. The learned Revisional Court observed that no forged document had come on record, and that even if the same was to be investigated upon or proved, it would not prove any ownership or possession in favour of the petitioner. It was held that even otherwise, matters of ownership and possession are in the nature of a civil dispute.

29. In the opinion of this Court, there is no infirmity in the observation made by the learned revisional Court.

30. It is true that one transaction can give rise to a civil as well as criminal action against the accused persons. The complainant is within its right to not only initiate civil proceedings to remedy the action but to also file a complaint if the action discloses commission of cognizable offence. However, it is equally true that a criminal colour at times is given to civil disputes or transactions so as to put extra pressure on the other party.

31. In such circumstances, it is within the power of the Courts, after considering the facts and the basic material, to either accept the closure report filed by the police or proceed with the complaint.

32. In view of the aforesaid discussion, considering that the petitioner has failed to prove that the said plot was allotted to her Late husband Sh. Naresh Kumar, this Court finds no infirmity in the findings of the Courts below.

33. In the instant case, this court is of the opinion that no exceptional circumstances have been presented to warrant any interference with the impugned order. The petitioner having already availed the remedy of revision cannot be allowed to take



recourse to Section 528 of the BNSS as a substitute for initiating a second revisional challenge. Even otherwise, there is no indication of any miscarriage of justice or legal irregularity in the proceedings shown to warrant interference with the orders of the Trial Court and the Revisional Court.

34. The petition, is, therefore, dismissed.

**AMIT MAHAJAN, J**

**MAY 21, 2025**

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