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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 3072/2021

MOLANA SUHAIL KADRI AND ORS

.....Petitioners

Through: Mohd. Usman Siddqui, Mr. B.S.Randhawa, Ms.
M.Aisha Siddiqui, Ms. Sakeena Quidwai and
Ms. Pukhraj, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State with Insp.
Satbir Singh, P.S.Jaitpur.
Mr. Shakeel Ahmed, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

25.02.2025

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1. Petition under Section 482 Cr.P.C has been filed for quashing of FIR No.398/2015 dated 19.05.2015 under Sections 448/506/420/34 IPC, P.S.Jaitpur.
2. It is submitted on behalf of the Petitioner that there was an alleged incident of quarrel which took place between the Petitioner and Respondent No.2 on 08.01.2015 for which a Complaint was made to the Police by Respondent No.2, on 09.01.2015. A Complaint under Section 156(3) Cr.P.C was filed by Respondent No.2 before the learned CMM on 24.01.2015.
3. The Petitioner No.1 herein then filed a Suit for Permanent and Mandatory Injunction on 30.05.2015 in which Written Statement was filed by Respondent No.2 and others on 08.09.2015. Thereafter, the Respondents stopped appearing and they were proceeded *ex-parte* on 20.08.2016. The Suit has been decreed *ex parte vide* Judgment dated 18.01.2020.
4. Notice for appearance was issued by the IO to the Petitioners on 13.02.2021 and they have joined the investigations. On these averments it is



submitted that the FIR No.398/2015 be quashed.

5. The **Status Report** has been filed on behalf of the State wherein as per the Complainant, she and her husband Jahir, had purchased the property in question in which three rooms and a kitchen was constructed. On 08.01.2014, at about 4 PM when she along with her family reached the above address, one person namely Molana Suhail Kadri along with Wahid, Diwan @ Nasruddin and Roshan Pradhan started abusing and beating the Complainant. She called Number 100 and two Police Officials came and instead of helping her, they helped the alleged persons in throwing their household articles on the road. They also attempted to throw her out of the room, but failed to do so.

6. Then, the accused Wahid took out petrol from his motorcycle and started pouring it on her, but some persons from the locality reached there and helped her. In the interim, SI Narendra of Police Station Jaitpur reached the spot and told both the parties to come to the Police Station for legal action. Immediately on reaching the Police Station, Mr. Jahir, husband of the Complainant showed all the documents pertaining to the house, but Molana Suhail did not show any documents.

7. In the night of 08.01.2014 at about 11.30 PM, when she along with husband came back from the Police Station, she saw all her household articles lying outside. It is further claimed that the Police Officials namely Shispal and Jawahar Singh, allowed Molana Suhail to enter the house and caused injustice to her. Consequently, the FIR No.398/2015 has been registered and the statements of the witnesses had been recorded. Molana Suhail Kadri was asked to deposit the original Documents of the property for verification, but he stated that the documents have been deposited in the Court and he would deposit them with the Police, but has failed to do so till date. The possession of the property is with Molana Suhail Kadri.

8. It is further submitted that the Chargesheet has been filed before the learned Trial Court and next date of hearing on 16.04.2022.

9. **Submissions heard and record perused.**



10. There are specific allegations made by the Complainant about her alleged illegal dispossession from the suit property. After investigations, Chargesheet has been filed and is pending trial.

11. The learned counsel for the Petitioner seeks quashing of the FIR essentially on the ground that he is the owner of the suit property and an *ex parte* Injunction has been granted against the Complainant. However, it has been noted that despite opportunity, the Petitioner has failed to produce the original documents for verification before the Police. He may be in possession, but it is a matter of trial to test the veracity of the averments made in the Complaint of whether the Complainant has been dispossessed illegally and forcibly.

12. Since the Chargesheet has already been filed, the merits of the same can be tested only by trial.

13. There is no ground for quashing of the FIR. The Petition is hereby dismissed.

NEENA BANSAL KRISHNA, J

FEBRUARY 25, 2025/rk