



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

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Reserved on: 22nd August, 2025

Pronounced on: 09th December, 2025

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CRL.M.C. 1417/2018

MAHENDER SINGH

S/o Late Sh. Amar Singh

R/o & C/o. Anang Pal, Harijan Chowk,

Near Old Water Tank

Village Rangpuri, Delhi - 110070

.....Petitioner

Through: Mr. Joginder Singh, Mr. Sumit Dagar,
Ms. Vineeta Mahamna and Mr.
Pushpa Rana, Advocates

versus

1. STATE (NCT OF DELHI)

Through Standing Counsel (Crl.)

Delhi High Court,

New Delhi - 110003

2. SURAJ BHAN

S/o. Sh. Chunni Lai,

R/o. H. No.: 2879, Sector - 23,

Near Palama Vihar,

Gurugram, Haryana

3. CM PRAKASH

S/o. Sh. Chunni Lai,

R/o. & C/o. Sube Singh (Munirka Wale)

H. No.: RZF- 136. Gali No.: 38, Sadh Nagar,

Near Shiv Mandir,

Palam, New Delhi

4. KHAJAN SINGH

S/o Sh. Chunni Lai



R/o H.No. RZ - 08, Gali No. 3,
Raj Nagar, Palam, New Delhi

5. ATTAR SINGH

S/o. Sh. Jai Lai
R/o. House Near Harijan Basti Haud,
Near Old Water tank,
Village 85 PO Mahipalpur, New Delhi

6. KRISHAN PAL

S/o. Sh. Ram Kishan,
R/o. C/o. Sh. Ballu Ram Arya,
H. No.: K-222, Khasrano. 792/2,
Block - K, Mahipalpur Extension,
Mahipalpur, New Delhi

7. RAJIV KUMAR

S/o Sh. Ram Kishan,
R/o & C/o Sh. Ballu Ram Arya,
H. No. K-222, Khasrano. 792/2,
Block - K, Mahipalpur Extension,
Mahipalpur, New Delhi

8. RAJESH KUMAR

S/o. Sh. Ram Kishan,
R/o & C/o Sh. Ballu Ram Arya,
H. No. K-222, Khasra no. 792/2,
Block - K, Mahipalpur Extension,
Mahipalpur, New Delhi

9. DARSHAN PAL

S/o Sh. Ram Karan
R/o House Near Harijan Basti Haud,
Near Old Water tank
Village & PO Mahipalpur, New Delhi

10. MUKESH KUMAR

S/o Sh. Ram Karan



R/o Flat No.: A-205,
New Kanchanjunga Apartments
Sector-23, Dwarka, New Delhi

11. SANJEEV KUMAR

S/o Sh. Ram Karan
R/o Flat No.: A-205,
New Kanchanjunga Apartments
Sector-23, Dwarka, New Delhi

12. PYARE LAI

S/o Sh. Har Narayan,
R/o Room No.: 202,
Pappi Building, K - 300,
Rangpuri Road, Mahipalpur
New Delhi - 110037

13. CHHOTU

S/o. Sh. Har Narayan,
R/o. House Near Harijan Basti Haud,
Near Old Water tank,
Village & PO Mahipalpur, New Delhi

14. CHANDAN

S/o. Sh. Har Narayan,
R/o. Flat No. 007, Janki Apartments,
Sector - 22, Dwarka, New Delhi

15. RAM PHAL

S/o. Sh. Banwari Lal,
R/o. Room No. 205,
Pappi Building, K - 300,
Rangpuri Road, Mahipalpur,
New Delhi - 110037

16. SURENDER SINGH

S/o. Sh. Banwari
R/o. Room No. 205,



Pappi Building, K - 300,
Rangpuri Road, Mahipalpur,
New Delhi - 110037

17. HARBEER SINGH

S/o. Sh. Banwari
R/o. Room No. 205,
Pappi Building, K - 300,
Rangpuri Road, Mahipalpur,
New Delhi - 110037

18. MAHA SINGH

S/o. Shree Ram
R/o. VPO Sheikhpura,
Pataudi - Tauru Road,
District Nuhu, Haryana

19. ASHOK KUMAR

S/o. Sh. Sukhbir Singh
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

20. SANJEEV KUMAR

S/o. Sh. Sukhbir Singh
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

21. PEHLAD SINGH

S/o. Sh. Surat Ram
R/o. House Near Dr. Singh Hospital,
Gali No. 06, Road No. 6, Road No.4,
Mahipalpur, New Delhi

22. ROHATAS SINGH

S/o. Sh. Surat Ram
R/o. House Near Dr. Singh Hospital,



Gali No. 06, Road No. 6, Road No.4,
Mahipalpur, New Delhi

23. LAKHRAM

S/o. Sh. Surat Ram
R/o. House Near Dr. Singh Hospital,
Gali No. 06, Road No. 6, Road No.4,
Mahipalpur, New Delhi

24. JAI BHAGWAN

S/o. Sh. Surat Ram
R/o. House Near Dr. Singh Hospital,
Gali No. 06, Road No. 6, Road No.4,
Mahipalpur, New Delhi

25. SUDESH DEVI

W/o. Late Sh. Ved Prakash
R/o. Village Nangal dewat
A Block, Vasant Kunj,
New Delhi - 110070

26. VIJAY PRAKASH

S/o. Sh. Poshap Ram
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

27. AJAY PRAKASH

S/o. Sh. Poshap Ram
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

28. HARISH KUMAR

S/o. Sh. Richpal Singh
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

**29. NARESH KUMAR**

S/o. Sh. Richpal Singh
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

30. VIRENDER KUMAR

S/o. Sh. Richpal Singh
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

31. SURESH KUMAR

S/o. Sh. Richpal Singh
R/o. H. No. A-95, Gali No. 2,
Near Bagga Link Show Room,
Mahipalpur, New Delhi - 110037

32. S.S. KANAWAT

The then ADM,
South West, New Delhi

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
Mr. L. K. Verma and Mr. Hritik
Verma, Advocates for R-2, 3 and 8 to
22

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 Cr.P.C. has been filed for quashing of Order dated 09.11.2017 whereby learned ASJ, New Delhi has upheld the Order of the learned MM dated 15.07.2016 dismissing the Complaint Case



No. 01/01/13 under Sections 420/465/466/467/468/471/474/34 IPC, P.S. Mahipalpur, and to direct the issuance of summons to the Respondents, on the Complaint of the Petitioner.

2. The **brief facts** are that the Petitioner is a resident of Village Nangal Dewat, Delhi, who claims that he was legally entitled to inherit properties including land, residential house in plot admeasuring 133 sq. yards with superstructure situated in Khasra No. 1243 (hereinafter referred to as the “*Suit Property*”), which was owned by his father and which was acquired.

3. The Petitioner had filed a Complaint under Section 200 Cr.P.C. wherein he asserted that late Sh. Amar Singh, S/o Ram, father of the Complainant, was owner and in possession of the Suit Property, which was duly recorded in the Revenue records. The entire abadi area of Village Nangal Dewat was acquired for the purpose of extension of International Airport, New Delhi. The appropriate Authorities prepared a scheme for providing rehabilitation plots to the residents of Village Nangal Dewat, whose land had been acquired. The appropriate Authority also decided that in case a recorded owner had died, *then all his legal heirs shall be entitled to be allotted a rehabilitation plot in lieu of their holding of the deceased owner.*

4. The Complainant asserted that Respondents deliberately, *mala fide*ly, intentionally and mischievously filed an Application dated 19/20.09.2003 before ADM (South West), Sh. S.S. Kanawat, on which the signatures of the father of the Complainant at S. No. 18, were forged by them. The Application was filed by the Accused persons to manipulate and fabricate the revenue records and to cause loss to the Complainant and his brothers, who were entitled to a separate rehabilitation plot.



5. The Accused persons also filed a Representation dated 28.05.2004 enclosing the previous Representation dated 19/20.09.2003. However, this subsequent Representation dated 28.05.2004, did not bear the signatures of the father of the Complainant, who had expired on 09.05.2004.

6. It is claimed that the Respondents, on the basis of misrepresentation and forged signatures of father late Amar Singh, got the suit property recorded in the revenue records since 28.04.1972 as divided equally between themselves and thereby usurped the property. They concealed the material facts from the ADM and got the orders from him by playing fraud, due to which Complainant and his brothers suffered irreparable loss.

7. The Complainant got the signatures of his father on the Representation dated 19/20.09.2003, examined from a Handwriting Expert who, after comparing the disputed signatures with the original signatures of late Amar Singh on his last registered Will dated 23.04.2004, found that the signatures on the Representation, was forged.

8. The Complainant and his brothers challenged the Order of ADM before this Court, which clarified that it has not expressed any view on the merits of the Criminal Complaint, which was undoubtedly to proceed in accordance with law uninfluenced by its Orders.

9. The Complainant also filed Complaint dated 19.07.2007 before SHO, PS Mahipalpur, and a copy was forwarded to Deputy Commissioner of Police, Additional Commissioner of Police and to the Commissioner of Police, but no action was taken against the Respondents on his Complaint. The Petitioner alleged that *wrongful loss* has been caused to him and his brothers, while the Accused have caused *wrongful gain* to themselves. They have committed the offence of *cheating and forgery* and used *forged*



documents for their wrongful gain. Prayer was thus, made in the Complaint to summon the Respondents and to punish them in accordance with law with an Application under Section 156(3) Cr.P.C.

10. The Application under Section 156(3) Cr.P.C was dismissed *vide* Order dated 04.11.2008.

11. Thereafter, the Complainant/Petitioner examined *09 witnesses* in the pre-summoning evidence. *CW1 Mahender Singh*, Complainant, deposed on similar lines as his Complaint. *CW2 Deepak Jain, the Handwriting Expert*, proved his Report Ex.CW2/A. *CW3 Surender Yadav*, LAC South-West, deposed that the original Application for the correctness of shares of co-owners is Ex. CW3/B was not available in the file and the order of Nodal Officer ADM dated 10.12.2004 was also not available in the file. *CW4 Naveen Virodia, LDC, SDM Office*, mentioned that as per the Diary Register, there was no entry in the name of Suraj Bhan and Others (Accused) in connection with Application filed by them on 19/20.09.2003. *CW5 Nazir Khan*, Registry Clerk-cum-Record Keeper, deposed that father Amar Singh, father of Complainant, had executed the Will on 23.04.2004, copy of which is Ex.CW5/A. *CW6 Anang Pal, brother of the Complainant*, corroborated the testimony of CW1. *CW6A Anil Kumar*, Judicial Assistant of this Court, testified that the copy of the Application for correction of the shares of co-owners in respect of Award No. 16/86-87 of Village Nangal Dewat is on record. *CW7 K.K. Dahiya, Deputy Commissioner*, deposed that he proved his Order dated 16.11.2006 marked A-4 on the Claim of Mahender Singh and Others. *CW8 Rajeshwar Gautam, Assistant Manager*, produced the original Application Ex. CW8/1 for correction of shares.



12. The learned CMM *vide* his Order dated 15.07.2016, observed that the impugned Application was signed by 34 persons and there was no material on record to show as to who had allegedly forged the signatures of the father of the Complainant or who had filed the Application before the ADM. Even if it is accepted that the signatures of father of the Complainant were forged on this Application, other Applicants cannot be attached with any criminal liability, unless it is proved on record that other 33 Applicants were aware about forged signatures of the father of the Complainant at S. No. 18, on the Application.

13. It was further noted by Ld. MM that the Order dated 10.12.2004 and 16.11.2006 passed by Nodal Officer/ADM, South-West clearly mentioned that the entitlement of the Unit for the allotment of rehabilitation plot, is based on the date of Notification under Sections 4 i.e. 28.04.1972. Since the father of Amar Singh, i.e., Shri Ram (*grandfather of the Complainant*), was alive at that time and his name was reflected in the extended *abadi* land, the legal heirs of late Amar Singh had no right to claim separate rehabilitation plot.

14. The impugned Orders had been challenged before the Court by way of a Writ, which was dismissed. The *Review Petition of the Complainant* also did not succeed. Ld. MM thus, concluded that there was no sufficient evidence to summon the Accused persons for facing prosecution for forgery and cheating. Accordingly, ***the Complaint was dismissed in terms of Section 203 Cr.P.C.***

15. This Order was challenged by way of ***Revision Petition No. 8800/2016 before the learned Additional Sessions Judge*** who considered the rival contentions and noted that there were no sufficient grounds brought



on record by the Complainant against the proposed Accused persons. It was held that there was no merit and the Order of Ld. MM dismissing the Complaint under 200 Cr.P.C., was upheld.

16. Aggrieved by the dismissal of this Complaint, the Petitioner has filed the present Petition under 482 Cr.P.C. to challenge the Order of learned ASJ dated 09.11.2017.

17. The *grounds of challenge* are that the learned CMM failed to exercise his powers under Section 202 Cr.P.C. to direct investigation by the Police, i.e., an agency which is free and well-equipped to unearth the perpetrators of crime; rather than shifting the onerous burden of proving and fastening the guilt on the Accused persons, upon the Complainant. There are specific allegations made by the Complainant that the Respondents had entered into criminal conspiracy to deprive him of his legitimate right for an alternate plot in view of the built-up house of his father.

18. There is more than sufficient material on record to deduce that forgery had in fact, been committed which was sufficient to issue the summons against the Respondents. It was incumbent upon the Courts to have delved deep into the matter and it was against the rule of law to ignore such a grave malfeasance and that too, after it having been brought to the notice of the Courts. Criminal Procedure Code gives ample powers to the Courts even in the absence of any prayer or Application from the Victim, to unearth the truth and punish the guilty; any departure from this established rule would lead to anarchy.

19. It is further submitted that the perusal of the Application would show that the forgery of the signatures of the father of the Petitioner, was blatantly visible and they were different in the original Application produced



by Airport Authority from the documents produced by them, based upon which the Order was passed by Learned LAC, denying him a right of alternative plot.

20. It is submitted that the Suit Property was in the individual ownership and possession of Petitioner's father and had nothing to do with the joint Applicants. There was no plausible reason to infer relinquishment of his rights in favor of third parties, more so when there was clear evidence that he never was a party to the joint Application filed during his life time in respect of the residential plot, nor did he have any reason to do so.

21. The learned CMM observed that legal heirs of late Amar Singh had no right to claim separate rehabilitation plot, which is factually incorrect and conjectural and such conclusion is without any basis. A separate plot was denied to the Complainant only because of the forgery committed by the Respondents who incidentally happen to be the beneficiaries of the debauched scheme.

22. It is therefore, submitted that the impugned Order which has caused grave miscarriage of justice to the Petitioner be set aside and the summons be issued to the Respondents on the Complaint of the Petitioner.

23. *Brief Synopsis has been filed on behalf of Respondents No. 4, 5, 11, 14, 16, 17, 19, 20, 22 to 25, 27, 28, 29, 30 and 31.* They have stated that Respondent No. 2, 3, 12, 13, 15, 18, 21 and 26 have already expired and their Death Certificates are placed on record. The background of the complaint has been explained by the Respondents. It is stated that Notification for acquisition of property was issued on 28.04.1972. Award No. 16/86-87 was announced in September, 1986. The Notification was



challenged by some of the villagers but ultimately, they gave up their challenge to the Notification of land and traded for proper rehabilitation.

24. A Writ Petition titled *Dariyao Singh etc. v. Union of India and Others* was filed before this Court was disposed of *vide* Order dated 28.04.2004 and Sh. S.S. Kanawat, ADM/LAC (SW) was appointed as Nodal Officer to hear and dispose of the claims of the aggrieved persons and to settle their disputes in respect of entitlement for rehabilitation plots. He was also directed to make necessary corrections, if required, in the revenue record/Naksha Muntazamin.

25. Later on, Sh. S.S. Kanawat/Respondent No. 32 who was the ADM/LAC (South-West), was appointed as Nodal Officer by this Court to hear and dispose of the claims of the parties and to settle their disputes. The Application was signed by all 34 persons including Amar Singh, father of the petitioner and matter was heard by the learned ADM. The Petitioner and his brothers filed objections and contested the Application. They also filed their Affidavits in support of his claim in respect of the aforesaid Suit Property. No plea was taken by them that their father Amar Singh had not signed the Application for correction of shares or that his signatures were forged, as is now being alleged.

26. After verification of the record and perusal of the material and hearing the Counsels for the Petitioner and the Applicants at length, Mr. S.S. Kanawat disposed of the Application for correction of shares, *vide* Order dated 10.12.2004 thereby ordering correction of the shares of the Respondents and the grandfather of the Petitioner.

27. This Order dated 10.12.2004 of learned ADM was challenged in Writ Petition No. 481/82 in RA No. 9312/2001 in this Court wherein



objections were filed by the Petitioners claiming that the father of the Applicant was the owner of the Suit Property. This CM No. 829/2005 was considered and thereafter, the entire Writ Petition No. 481/82 as well as the objections filed by the Revisionist and other villagers, was disposed of with directions to file Application/objections before the Nodal Officer *vide* Order dated 18.05.2005 and Sh. A.K. Singh was appointed as the Nodal Officer.

28. In the objections filed before this Court, the Petitioner did not plead anywhere that his father had not signed the Application filed for correction of shares. He also did not plead that he had not signed the Application filed for correction of shares or that his signatures were forged on the Application. No one was benefiting from the alleged forgery of the signatures on the Application as the entire land was distributed in equal shares.

29. Sh. A.K. Singh, ADM, South, who was appointed as Nodal Officer in place of Sh. S.S. Kanwat. The Petitioner and his brothers filed an Application for allotment of alternative plot in lieu of the aforesaid Suit Property. Here also they did not plead that the signatures of the father on the applicants were forged nor were these such arguments addressed before the Nodal Officer. Sh. K.K. Dahiya, ADM, Nodal Officer after hearing all the parties, rejected the claim of the Petitioner and his brothers *vide* Order dated 16.11.2006.

30. This Order was challenged by the Petitioner in W.P(C) No. 306/2007 and CM No. 513/2007 wherein also no plea of the signatures of the father being forged on the Application was taken. Their Writ Petition and the Application was again dismissed by this Court finding no merit in the same.



31. On 19.09.2003, a representation was addressed to ADM, South-West for correction of shares in the revenue record as per family settlement signed by all the 34 share holders including the father of Revisionist on the basis of which the shares were distributed equally amongst all 34 persons *vide* No. 66/04 dated 10.12.2004. The Khasra No. 1243 min land measuring 133 s. yards (Suit Property), was distributed to all the shareholders.

32. Thereafter, the present Complaint under 200 Cr.P.C. read with 156(3) Cr.P.C. was filed on 22.10.2007 by the Petitioners against the Respondents, which also got dismissed.

33. It is submitted that father of the Petitioner was a well-educated Government employee. There was no forgery committed of the signatures of the father of the Petitioner. The Report of the Handwriting Expert has been manipulated. The entire material on record clearly suggest that no forgery has been committed by the Respondents. Hence, a prayer is made that the present Petition may be dismissed.

Submissions heard and record perused.

34. Essentially, the grievance of the Petitioner is that the signatures of his father at S. No. 18 in Application dated 20.09.2003 filed for correction of shares in the Suit Property were forged. Basically, he has relied upon the Report of the Handwriting Expert.

35. It has been rightly pointed out by the respondents that there was multiple litigation since 1980's and there were multiple rounds of litigation before the ADMs as well as this Court, but the said plea of alleged forgery was never taken in any of the pleadings. It is only after the correction of the shares was allowed in the revenue records by the Nodal Officer and they were given respective shares, that the Complaint under Section 200 was



filed on 22.10.2007 for the first time alleging that the signatures of the father of the Petitioner were forged.

36. It has been rightly stated by the Respondents that at no point of time was this plea of forgery taken by the Petitioners in the multiple previous litigations and it is only after the correction of the shares was made, that this plea has been taken for the first time in the year 2007.

37. It has been rightly observed by learned CMM that *firstly*, there is no evidence to prove that there was any alleged forgery of the signatures of the father. *Secondly*, even if it was presumed that the signatures of the father had been forged, there was no evidence what so ever to even *prima facie* show as to who had allegedly forged the signatures of the father on the Application. Pertinently, at the time of filing of Application in the year 2003, the father of the Petitioner was alive and he at no point of time state or claim that his signatures were forged.

38. Furthermore, it has been rightly observed by the learned CMM that the grievance of the Complainant for claiming a share in the property from the Accused persons, was duly considered by this Court in various proceedings and the Writ Petitions filed to challenge the Order of Nodal Officer, had been dismissed on merits. This ground was neither pleaded nor was the basis for dismissal of the objections of the Petitioner.

39. Likewise, the findings of the learned CMM, have been endorsed by learned ASJ while dismissing the Revision *vide* the Order dated 09.11.2017. In the present Petition as well, aside from claiming that there was forgery, there is no cogent evidence which has been produced either that the signatures were forged or the person who had allegedly committed the forgery. The petitioner may have had expectation of getting larger share but



the Report reveals that the shares in the Suit Property was equally distributed amongst the 34 persons who were entitled to the same. All the grievances of the Petitioner to claim that he was entitled to a larger share were also rejected in the various Petitions that were filed by him.

40. There is no evidence either of forgery or about the person who allegedly committed the forgery and that there was any wrongful loss caused to the Petitioner. The Complaint under S.200 Cr.P.C. has been rightly, dismissed.

Order:

41. There is no merit in the present **Petition**, which is hereby **dismissed**.

42. Pending Applications, if any, are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 09, 2025/N