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

+ **CRL.M.C. 185/2026**

**MRS. ARUN SAINI ALIAS GUDDI
(NEE ARUN BALA JAIN)**

.....Petitioner

Through: Mr. Tarun Diwan, Mr. Aman
Imrose, Ms. Fatima Unzila,
Advocates.

Versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Raghuvinder Verma, APP for
the State with Mr. Aditya Vikram
Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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09.01.2026

CRL.M.A. 704/2026 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. By virtue of the present petition under *Article 227* of the Constitution of India read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) [*erstwhile Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.)*], the petitioner seeks the following reliefs:

“a. Summon the entire record of the Complaint Case No.15831/2023 titled as Arun Saini @ Guddi (nee Arun Bala Jain) Vs. Nirmal Kumar Jain and peruse the same and consequently set aside the impugned order dated 20.02.2025

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passed by Shri Virender Kumar Bansal, Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi in Cr. Rev. No.308/2024 titled as Arun Saini @ Guddi Vs. State and the second impugned order dated 10.05.2024 passed by Shri Apoorv Bhardwaj, MM-02, North West District, Rohini Courts, Delhi in CC NO.15831 of 2023 titled as Arun Saini vs. Nirmal Kumar Jain and issue directions for registration of the FIR under Sections 460/467/468/471/420/511/120-B and & 34 IPC or under any other enabling provisions of IPC commensurate to the Bharatiya Nagarik Suraksha Sanhita, 2023, against the accused persons, while allowing the present petition.

b) pass any such other order(s) which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case."

4. Succinctly put, the petitioner filed an application under *Section 156(3)* of the Cr.P.C. in CC No.15831/2023 before the learned Metropolitan Magistrate, North-West District, Rohini Courts, Delhi (**learned MM**) seeking registration of an FIR against the respondent nos.2 and 3 under *Sections 460/467/468/471/474/420/511/120-B/34* of the Indian Penal Code, 1806 (**IPC**) for a criminal conspiracy to forge a Sale Deed *qua* property bearing no.B220, Saraswati Vihar, Delhi.

5. The said application was dismissed by the learned MM *vide* order dated 10.05.2024 (**first order**) since all facts and evidence were within the knowledge and possession of the petitioner and could be adduced by her without police assistance, as also since the private parties therein, all known to each other, were already engaged in a pending civil suit being CS(OS) 457/2020 entitled 'Arun Saini & Guddi (Nee Arun Bala Jain) vs. Nirmal Kumar Jain' before a learned Single Judge of this Court (**High Court**) wherein the said documents had been produced. As such, the



learned MM proceeded for pre-summoning evidence. It was also clarified *vide* the first order that the provisions of *Section 202* of the Cr.P.C. may be resorted to, should the need thereof arise in the future.

6. Thereafter, the petitioner preferred a Revision Petition under *Section 397* of the Cr.P.C. against the first order before the learned Principal District and Sessions Judge, North-West District, Rohini Courts, Delhi (***learned Sessions Court***), which was dismissed *vide* order dated 20.02.2025 (***second order***), reaffirming the findings and analysis rendered by the learned MM and emphasising that not only have all the original documents been produced before the High Court in the pending civil suit *inter se* the parties, but also the petitioner led an expert opinion report. As such, it was held that there being no requirement of use of police machinery to unearth any fact/ evidence, no interference was called for with the first order passed by the learned MM.

7. The petitioner filed the present petition impugning the first order dated 10.05.2024 passed by the learned MM and the second order dated 20.02.2025 passed by the learned Sessions Court.

8. Since learned counsel for the petitioner, even after addressing arguments at length, is only reagitating the very same issues raised before the two forums below, and there is hardly anything of credence urged by him to bring the present case within the realm of the supervisory jurisdiction of this Court under *Article 227* of the Constitution of India and *Section 528* of the BNSS, this Court is not convinced to make any interference with the first order and the second order, especially finding no infirmity(s) therein.

9. In view of the aforesaid, learned counsel for the petitioner, upon



instructions from the briefing counsel, seeks to withdraw the present petition.

10. Accordingly, the present petition is dismissed as withdrawn.

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11. After passing of the aforesaid order, learned counsel for the petitioner mentions the matter, and seeks to resile from his own statement of withdrawal of the present petition recorded hereinabove, pressing for an order of dismissal, if so, on merits.

12. The aforesaid are, alas, not at all acceptable, and are unbecoming. However, this Court proceeds to hear learned counsel for the petitioner once again.

13. Despite the same, learned counsel submits that since the Sale Deed in question was a forged and fabricated document, cognizable offences under the IPC were disclosed by the petitioner in her complaint and her application seeking registration of FIR ought to have been allowed. The same, as per the learned counsel, has been ignored by both the learned MM as well as the learned Sessions Court.

14. In furtherance thereof, learned counsel has drawn attention of this Court to the Status Report dated 20.11.2023 filed by the IO before the learned MM, wherein it is stated as under:

“It is submitted that Mrs. Arun Saini, D/o Girdhari Singh, R/o as above filed above said Complaint regarding cheating and forgery done by Sh. Nirmal Kumar Jain and others received at PS Rani Bagh, Delhi. After receipt of the Complaint, a notice for the collection of certified Sale Deed



was sent to Sub Registrar Office, Ambedkar Bhawan, Rohini, Delhi and also a notice for the collection of certified Conveyance Deed was sent to DDA Office, INA, Delhi, but reply of both same is not received yet. Certified Sale Deed as well as Conveyance Deed of the said disputed property is required to clarify the whole enquiry. In order to conclude the enquiry, some more time may please be given.”

15. The learned counsel further drawn attention of this Court to the subsequent Status Report dated 10.04.2024 filed by the IO before the learned MM, wherein it is stated as under:

“In continuation of the previous Status Report, it is submitted that it has been found that a Civil Suit in this regard vide Civil Suit bearing No. CS (OS) No. 457/ 2020 in the name of Arun Saini @ Guddi Vs. Nirmal Kumar Jain is pending before the Hon’ble Delhi High Court. As per the previous Order dated 23.4.2024 Defendant/ alleged Nirmal Kumar Jain will produce the Original Sale Deed as also the Conveyance Deed pertaining to questioned property before the Hon’ble High Court of Delhi on NDOH (Order Copy enclosed). In view of the above-mentioned facts, the present matter already sub-judice before the Hon’ble Delhi High Court. Hence, the present Complaint case may be disposed of.”

16. Based thereon, the learned counsel submits that since the Sale Deed was in possession of the respondent no.2, the findings rendered by the learned MM *qua* the material being available with the petitioner are unsustainable.

17. Lastly, relying upon ***Iqbal Singh Marwah & Anr. vs. Meenakshi Marwah & Anr.:(2005) 4 SCC 370***, the learned counsel submits that both the first order and the second order are liable to be set aside.

18. This Court has heard the learned counsel for the petitioner as also the learned APP for the State and gone through the documents and



pleadings on record as also the judgment cited at Bar.

19. Interestingly, not only has the learned counsel for the petitioner resiled from his statement, he has also raised new/ fresh arguments as above, which were not addressed by him when this Court heard him on the first occasion prior to his withdrawing the present petition in the Court.

20. As borne out, it is not in dispute that both the petitioner and respondent no.2, being brother and sister, are engaged in a civil dispute instituted by the petitioner herself i.e. CS(OS) 457/2020 entitled '*Arun Saini & Guddi (Nee Arun Bala Jain) vs. Nirmal Kumar Jain*' pending before the High Court, wherein she has also sought a declaration *qua* the very same Sale Deed which is the genesis of the present petition, to the effect that the same is forged and fabricated, taking objections *qua* the consideration amount and the signatures therein, and further that the petitioner is seeking to involve the Police machinery when the Sale Deed has been produced in original by the respondent no.2 before the High Court.

21. While the pendency of a civil suit may not, necessarily, preclude registration of an FIR, however, in every complaint under *Section 200* of the Cr.P.C., simply because an application under *Section 156(3)* of the Cr.P.C. has been made, however at the same time, the same need not automatically result in registration of an FIR, as it all depends upon each individual case. Therefore, it was incumbent upon the petitioner herein to make good her case for registration of an FIR to invoke the police machinery. In the absence thereof, and as the complaint could be decided only with the aid of the complainant/ petitioner herein leading evidence during the course of inquiry under *Section 200* of the Cr.P.C. or by



summoning of witnesses, it is well within the powers of the Court presiding over the same to reject such an application.

22. It is only after examining the application of the petitioner as well as the Status Report(s) filed by the Police, and upon due appreciation of all facts and circumstances involved, such as that all the facts were within the knowledge of the petitioner, and in fact, the Sale Deed in question, had already been produced before the High Court, the learned MM, relying upon *Mohd. Salim vs. State:2010 SCC OnLine Del 1053*, has held *vide* the first order that no such case was made out to show the requirement of investigation by the police.

23. Pertinently, even on the face of either of the order(s), especially the first order, it is evident that no rights of the petitioner have been foreclosed, since the criminal complaint, CC No.15831/2023, is still alive. More so, whence the learned MM has categorically held therein that “...
...Needless to say, if there is a need that arises, later on, qua any disputed facts, the provision under S. 202 CrPC may be resorted to. The complainant is at liberty to lead pre-summoning evidence. Matter be listed for pre-summoning evidence on 14.08.2024... ..”. Evidently, the petitioner has remedies under the procedure of inquiry still open to herself.

24. To controvert the findings rendered in both the orders, reliance sought to be placed by the petitioner upon *Iqbal Singh Marwah (supra)* is misplaced, as the Hon’ble Supreme Court therein was dealing with the nature of the bar under *Section 195(1)(b)(ii)* of the Cr.P.C. upon any Court for taking cognizance of any offence under *Sections 463, 471, 475 or 476* of the IPC in respect of a document produced in evidence in a court of law. Since, the petitioner has nowhere been declined the relief based



thereon by either the learned MM or the learned Sessions Court, the same is not applicable to the facts and circumstances involved herein.

25. Lastly, much hue and cry has once again been raised before this Court on the aspect of the Sale Deed being forged. However, upon query from this Court, learned counsel for the petitioner has admitted that it is indeed a registered document executed by her own father in favour of his son i.e. her brother. By re-agitating the very same issues before this Court as raised before the two forums below, that too *qua* a registered document having due sanctity in the eyes of law on the basis of the figure(s)/ amount(s) therein, it is evident that the petitioner is somehow trying to invoke state machinery merely to give colour to a family feud and to pressurise the respondent no.2.

26. In view of the afore-going, this Court has no hesitation to hold that the concurrent findings rendered by the learned MM vide the first order and the learned Sessions Court vide the second order are in accordance with law, and do not call for any interference.

27. In any event, in a petition under *Article 227* of the Constitution of India like the present, this Court is not acting as a Court of appeal, and the scope of interference by this Court is extremely circumspect, limited only to correcting manifest errors apparent on the face of the record, and does not extend to substituting fresh findings or reappreciating the materials before the learned MM or the learned Sessions Court. Reliance is placed upon ***Rajendra Diwan vs. Pradeep Kumar Ranibala:(2019) 20 SCC 143***, wherein it is held as under:

“85.Jurisdiction under Article 227 cannot be exercised ‘in the cloak of an appeal in disguise.



86. *In exercise of its extraordinary power of superintendence and/ or judicial review under Articles 226 and 227 of the Constitution of India, the High Courts restrict interference to cases of patent error of law which go to the root of the decision; perversity; arbitrariness and/ or unreasonableness; violation of principles of natural justice, lack of jurisdiction and usurpation of powers. The High Court does not re- assess or re-analyse the evidence and/or materials on record....The writ jurisdiction of the High Court cannot be converted into an alternative appellate forum, just because there is no other provision of appeal in the eye of the law.”*

28. Finding no illegality/ perversity/ arbitrariness/ unreasonableness either in the first order or the second order, and since any ground for interference therein is clearly missing in the present petition as also finding no merit therein, the same is dismissed *in limine*.

29. Considering the factual matrix involved, particularly, in view of the aforesaid whence a statement of withdrawal made by learned counsel for the petitioner in the Court has been resiled, the petitioner is burdened with costs of Rs.1,00,000/- payable to the Delhi High Court Staff Welfare Fund [A/C 15530110074442; IFSC UCBA0001553] within a period of *two weeks* from today.

30. Accordingly, the present petition is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

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