

IN THE COURT OF MS. DEEPTI DEVESH, LD.
ASJ/SPL/FTC/PHC/NEW DELHI

REVISION PETITION No.143/2024
DLND01-001887-2024

IN THE MATTER OF:

**Shanti Kunj (Main) Residents Welfare
Society (Registered),
9, Shanti Kunj Main,
Behind Sector D-3 & 4,
Church Road, Vasant Kunj,
New Delhi-110070**

.....Revisionist

Versus

**Mr. Narender Singh,
20/9, Kishangarh,
Vasant Kunj,
New Delhi-110070**

.....Respondent

Instituted on	:	06.03.2024
Reserved on	:	24.02.2026
Pronounced on	:	01.04.2026

-.JUDGMENT:-

1. By way of instant revision, revisionist (complainant before Ld. Trial Court) takes exception to the order dated 29.11.2023 whereby the Ld. Trial Court had dismissed application u/s 156(3) Cr.P.C. of the revisionist, against respondent (proposed accused before Ld. Trial

Court). For the sake of convenience, parties shall be referred to as their original position before Ld. Trial Court i.e. complainant and accused persons.

2. It has been argued on behalf of the complainant in the form of written arguments that despite ATR of police showing existence of forged documents produced by the proposed accused, the Ld. Trial Court erroneously dismissed application of complainant. It has been argued that the chain documents produced by the proposed accused does not point out as to how the ownership was acquired by the proposed accused and verification from the concerned authority revealed existence of forged documents.

3. Notice was not issued to proposed accused by this court. Arguments heard. Record perused. Trial court record was also summoned and perused.

4. Briefly stated the relevant facts for deciding the present revision petition are as follows. The disputed property in question i.e. property bounded and demarcated as East - Shanti India's Green Land, West- Plot of Arjun Verma, North- Road / opposite plot of Preeti Vehrani and South- Plot of Gulpreet Kaur (hereinafter referred to as 'disputed property'), is within the colony whose welfare is being looked after by the complainant society. Somewhere in 2000-01, one lady interacted with the complainant society and asked it to ensure safety of the said

plot in her absence as she was going out of the country. However, since that day, the said lady did not return and since then the complainant society is acting as caretaker for the said plot and also using it for its own purposes. That sometime in 2013, the proposed accused trespassed on the said plot by producing some ownership documents, which were neither satisfactory nor genuine. The complainant society gave complaint to police and also filed a writ petition before Hon'ble High Court of Delhi. In the status reports filed before Hon'ble High Court of Delhi, it was clear that the property documents produced by proposed accused were not found to be not registered and not genuine. Despite the same, the Ld. Trial Court dismissed application of complainant for registration of FIR against proposed accused. In this backdrop, now the present revision petition shall be decided.

5. The scope of interfering with Ld. Trial Court order in revision jurisdiction is limited and the revisionist court ought to interfere only when there is irregularity or any procedural illegality with the order of Ld. Trial Court. It is also well settled that in the revision jurisdiction, the Court ought not to substitute its opinion with the opinion of Ld. Trial Court, if the opinion given by Ld. Trial Court is on basis of solid legal principles. In this regard, reliance is placed upon the judgment of *Hon'ble Supreme Court of India* in *Sanjaysinh Ramrao Chavan V. D.G. Phalke 2015 (3) SCC 123* and *New India Assurance Company Ltd. Vs. Krishna Kumar Pandey 2019 SCC OnLine SC 1786* and the Judgment of *Hon'ble High Court of Delhi in Taron Mohan Vs. State 2021 SCC OnLine Del 312*.

6. In the instant case, the impugned order dated 29.11.2023 is well-reasoned, supported with applicable case laws and reasonable justification has not been provided by the revisionist to interfere with the impugned order. The best case of the revisionist, even if taken at its face value, reveals only existence of civil dispute regarding ownership and possession over the disputed property in question. It is not the case of the revisionist that cheating or forgery in respect of the revisionist itself, has been committed by the proposed accused. Criminal justice machinery cannot be permitted to be misutilised in such manner that civil dispute between the parties start getting settled in criminal courts. The ATR filed by IO before the Ld. Trial Court also reveals existence of civil dispute regarding ownership and possession in the present case which can only be decided by a civil court of competent jurisdiction and not by any criminal court. Investigating agencies are also not meant to settle civil dispute between the parties. It is also pertinent to note herein that the complainant society itself has not been able to produce any ownership documents or even reveal the name of the actual owner of the disputed property and therefore, it is unverifiable as to whether the complainant society itself is a trespasser or not in the disputed property. Mere lack of registration of a document produced by the proposed accused in his chain documents, does not establish the necessary nexus to show that the proposed accused himself had created a false document.

7. In view of the above discussion, there does not appear to be any illegality or infirmity in the impugned order. Accordingly, the present

revision petition stands dismissed.

8. Copy of this judgment be sent to Ld. Trial Court for information and compliance.

9. Revision file be consigned to Record Room after due compliance.

*Typed directly on court computer upon
oral dictation and pronounced in open court
On 1st April, 2026*

(Deepti Devesh)
ASJ /Spl. FTC / PHC / NDD
New Delhi / 01.04.2026