

**IN THE COURT OF SH. PITAMBER DUTT,
PRINCIPAL DISTRICT AND SESSIONS JUDGE,
NEW DELHI DISTRICT, PATIALA HOUSE COURT,
NEW DELHI.**

In the matter of:

CNR No. : DLND01-000301-2024
CrI. Rev. No. : 41/2024

Sh. Prem Arora,
S/o Sh. Raunak Lal Arora,
R/o House number 14/102-103,
Subhash Nagar, New Delhi-110027.

...Petitioner

Versus

1. The State of NCT of Delhi
2. Sh. Ishwar Singh,
S/o Sh. Jai Pal Singh,
R/o RZ-46, Street Number 6,
Gitanjali Park, West Sagarpur,
New Delhi. 110046.

Also at: Shop number 1, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

3. Sh. Prakash Chand Modi,
S/o Late Sh. Babu Lal Modi,
R/o RZ-21/288, Street number 5B,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

Also at: Shop number 2 & 3,
RZ-21/284, Gitanjali Park,
West Sagarpur, New Delhi-110046.

4. Sh. Manoj Kumar Bansal,
S/o Sh. Gyan Chand Bansal,
R/o RZ-179/284, Street number 3,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

Also at: Shop number 4, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi - 110046,

5. Sh. Mahaveer Bansal,
S/o Sh. Gyan Chand Bansal,
R/o RZ-179/284, Street number 3,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

Also at: Shop number 7,
RZ-21/284, Gitanjali Park,
West Sagarpur, New Delhi - 110046,

6. Sh. Radhe Shyam,
S/o Late Sh. Ram Nivas Gupta,
R/o D-62, East Dabri (Extn.)
New Delhi-110045.

Also at: Shop number 8, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi - 110046,

7. Sh. Satyanarayan Khandelwal,
S/o Sh. Radhesyam Khandelwal,
R/o RZ-37, Street number 10,
Madan Puri, West Sagarpur,
New Delhi-110046.

Also at: Shop number 9, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi – 110046.

...Respondents.

Date of Institution : 18.01.2024
Case reserved for Orders on : 03.06.2026
Order announced on : 09.06.2026

Appearance:

Sh. Vipin Nandwani, Ld. Counsel for the petitioner.
Sh. Shiv Kumar, Ld. Addl. PP for State/Respondent No. 1
Sh. Praveen Suri, Ld. Counsel for respondents no. 2 to 7.

Order:

1. Vide this order I shall decide the revision petition filed U/s 397 of Cr. PC against the impugned order dated 27.04.2023 passed by Ld. MM-02, New Delhi District, Patiala House Court, New Delhi, whereby application filed by the revisionist U/s 156(3) Cr. PC was dismissed. The brief facts giving rise to filing of present revision petition, as narrated by Petitioner are given as under:
2. The petitioner has averred that he is the owner of property bearing number RZ-21/284, Gitanjali Park, West Sagarpur, New Delhi-110046. He further averred that initially his father had let out shops to respondents nos. 2 to 7. These respondents subsequently attorned in favour of the petitioner and paid rent by way of account payee cheques.
3. The petitioner has further averred that the tenancy of these respondents were terminated with effect from February 2015 by way of legal notice, whereby all of

them were called upon to vacate the tenanted premise i.e. shops within a period of one month. Since respondents did not vacate their premises, therefore, petitioner along with his father filed a suit for possession for seeking recovery of tenanted shop against the respondents.

4. The petitioner has further averred that when the summon of the said suit were served upon the respondent nos. 2 to 7, they filed their respective written statement in which for the first time a false claim was raised that petitioner had entered into an agreement to sell dated 06.01.2014 with them in respect of their respective tenanted premises. They also filed photocopies of alleged agreement to sell dated 06.01.2014, which alleged to have been signed and executed by the petitioner.
5. The petitioner has further averred that the alleged agreement to sell dated 06.01.2014 filed by the respondent was forged and fabricated and never executed by the petitioner, therefore, a police complaint dated 20.07.2018 was filed by the petitioner with SHO Sagarpur. However, police did not take any action, therefore, petitioner was constrained to file a complaint U/s 200 Cr. PC along with an application U/s 156 (3) Cr. PC.

6. The petitioner has further averred that the said complaint was dismissed by the Ld. MM vide order dated 02.07.2019 against which the petitioner filed a revision, which was allowed vide order dated 25.11.2020 and the complaint was revived.
7. The petitioner has further averred that the Ld. Trial Court has called Action Taken Record, which was submitted by Inspector Ashok Kumar, PS Sagarpur, in which it was categorically opined that prima facie case U/s 468/471/34 IPC is made out. However, despite this said report, the Ld. Trial Court has dismissed the application. Feeling aggrieved from the same, the present revision petition has been filed.
8. The Respondent Nos. 2-7 have filed their responses and they have controverted the averments made in the revision petition.
9. Ld. Counsel for the petitioner has argued that Ld. Trial Court has failed to appreciate that forged signatures on the fabricated agreement to sell are required to be examined and compared with the admitted signature of the petitioner through the Government Forensic Lab and for that purpose original agreement to sell are required to be recovered and sent to the FSL, which could have been done through police investigation only. He further

contended that even the police officer in action taken report stated that expert opinion is required to ascertain whether signatures are forged and fabricated. He further contended that Ld. Trial Court has wrongly dismissed the application ignoring the facts and circumstances of the case. He prayed that revision petition be allowed and the order may be set aside.

10. Ld. Counsel for respondent nos. 2 to 7 has contended that the petitioner is trying to get away from the agreement to sell dated 06.01.2014 with a view to extract more money from respondent nos. 2 to 7 despite the fact that he has already received full sale consideration from them. He further contended that the Ld. Trial Court has considered the facts and circumstances and has rightly dismissed the application filed by the petitioner. He prayed that petition be dismissed.
11. I have heard Ld. Counsel for petitioner, Ld. Counsel for respondents, perused the petition, its reply as well as the record. Perusal of the same shows that the petitioner herein has filed a criminal complaint U/s 200 Cr. PC against respondent nos. 2-7 for commission of offense U/s 420/471/506/34 IPC read with Section 120-B of IPC on the ground that

respondent nos. 2-7, who were his tenants have forged and fabricated the agreement to sell dated 06.01.2014. Along with the complaint, an application U/s 156(3) Cr. PC was also filed for seeking direction to the concerned SHO for registration of FIR.

12. The Ld. Trial Court considered the material placed by the petitioner and has dismissed the application vide order dated 27.04.2023.
13. The grievance of the petitioner is that the Ld. Trial Court has committed jurisdictional error by dismissing the application and by ignoring the fact that police investigation is required for unearthing the criminal conspiracy hatched by the respondent by forging and fabricating the agreement to sell.
14. Admittedly respondent nos. 2 to 7 were tenants of the petitioner against whom petitioner has filed a suit for possession and in their written statement, respondent nos. 2 to 7 pleaded that petitioner had entered into an agreement to sell for the respective shops with them.
15. The copy of the said agreement to sell dated 06.01.2014 was also filed by the Respondent nos. 2 to 7 before the said court.

16. The claim of the petitioner is that the said agreement to sell is a forged one as same does not bear his signature.
17. The agreement to sell, which as per the petitioner is forged one, is already available with the petitioner.
18. Whether the agreement to sell dated 06.01.2014 is a forged one or not can easily be established by the petitioner by examining expert witness and no forensic examination of the said agreement to sell is required to be done for that purpose.
19. The allegation leveled by the petitioner is only with regard to the agreement to sell, which is already within the power and possession of the petitioner.
20. The Ld. Trial Court has considered the fact and circumstances of the case and perused the Action Taken Report dated 14.10.2022 and has thus rightly observed that “*The main purpose of the investigation under Chapter XII Cr.P.C. is to collect the materials and evidences against the respondent. However, from the allegations made in the complaint, it transpires that the evidence is within the reach of the complainant and the complainant is also aware of the identities of the alleged/accused and therefore, no fruitful purpose*”

would be served by sending the present complaint to the police for investigation”.

21. The Ld. Trial Court has thus considered all the aspects in a prospective manner and has rightly dismissed the application U/s 156(3) Cr. PC. and I find no legal infirmity in the same.
22. In view of the above, I am of the considered view that there is no jurisdictional error or illegality in the order dated 27.04.2023, which can be corrected by exercising revisional jurisdiction. Accordingly, the revision petition is dismissed.
23. TCR be sent back along with copy of this order. Revision file be consigned to Record Room.

Announced in Open Court
On 09th June, 2026

(Pitamber Dutt)
Principal District & Sessions Judge
New Delhi District, Patiala House Courts
New Delhi