

IN THE COURT OF SH. ANKUR JAIN-1: ADDITIONAL
SESSIONS JUDGE-04, CENTRAL, TIS HAZARI COURTS,
DELHI.



CR No. 88/2025

CNR No. : DLCT01-002817-2025

ASHWANI BANSAL

Son of Late Sh. Jagdish Chander Bansal
R/o H.No. 52, Vivekanand Puri,
Sarai Rohilla, Delhi – 110007.

...REVISIONIST

VERSUS

1. STATE

2. AMIT BATRA

S/o Sh. Gopal Das
R/o House No. 19, BVM, DLF PH-II,
Gurugram, Haryana

3. RAVI KUMAR BATRA

S/o Sh. Gopal Das
R/o House No. 19, BVM, DLF PH-II,
Gurugram, Haryana

4. ANUBHA BATRA

W/o Ravi Kumar Batra
R/o House No. 19, BVM, DLF PH-II,
Gurugram, Haryana

5. MRS. DARSHANA DEVI

W/o Sh. Gopal Das
R/o House No. 19, BVM, DLF PH-II,

**CRIMINAL REVISION PETITION AGAINST THE ORDER
DATED 23.01.2025 PASSED BY THE COURT OF SH.
MANUJ KAUSHAL, LD. JMFC-04, CENTRAL, TIS HAZARI
COURT IN A CRIMINAL CASE TITLED AS STATE VS.
CLOSURE REPORT ALONG WITH AFFIDAVIT.**

02.05.2026

ORDER:-

1. By this order I shall decide Criminal Revision petition filed by the complainant against the order dated 23.01.2025 passed by the Ld. JMFC-04 Central.

2. The brief facts as necessary for the disposal of the present revision petition are that a complaint dated 21.01.2015 was filed before SHO PS Sarai Rohilla alleging that respondent no. 2 to 5 had approached the complainant in January 2007 through one Chandra Prakash, with a proposal to sell the property bearing number A88-89 admeasuring 400 sq. yards Mohan Garden Uttam Nagar. The price of the property which was being offered was less than the market price, the complainant became skeptical as to whether the property is free from encumbrance. The accused was ready to offer the property for a sum of Rs. 40,00,000/-, the complainant refused but then the respondent showed a sale certificate issued by Bank of Maharashtra, Janak Puri branch and told that they had purchased it in auction sale from the said bank on 03.04.2006. The complainant was unable to arrange Rs. 40,00,000/- and communicated to the respondent that he was able to arrange only Rs. 30,00,000/- to the surprise of

the complainant the accused persons were ready to sell the property for that amount. On 01.02.2007 accused persons received Rs. 30,00,000/- and sold the property by executing various documents like GPA, Agreement to Sell, affidavit, possession letter and receipt. After purchasing the property the revision erected a boundary wall and also constructed one room. In the beginning of the year 2010 complainant came to know that the property was a disputed property, on receipt of summons from the Hon'ble Delhi High Court. The revisionist also came to know that FIR bearing 71/2007 has been registered at PS Hari Nagar in respect of the aforesaid property.

3. On the complaint of the revisionist inquiry was conducted and approval was sought for registration of the FIR which was granted and FIR bearing number 113/15 PS Sarai Rohilla was registered. During the course of investigation statement of witness was recorded and a closure report was filed. Subsequent to the filing of the closure report notice was issued to the complainant and a protest petition was filed. By way of the impugned order the protest petition was dismissed and the closure report was accepted. Hence the present revision.

4. Ld. counsel for the complainant/revisionist has argued that respondent no. 2 to 4 very well aware that the property is a disputed one and by producing a fake sale certificate they had induced the complainant into buying the property.

5. On the other hand Ld. Counsel for the respondent no. 2 to 4 has argued that they are themselves victim of the crime and have no knowledge of the offence.

6. I have heard Ld. Counsel for the parties and perused the trial court record.

7. Vide order dated 23.01.2025 the Ld. Trial Court had dismissed the protest petition and accepted the closure report. The record would further reflect that closure report was primarily filed on the ground that the alleged persons i.e. respondent no. 2 to 4 had procured the property on 03.04.2006 in auction of Bank of Maharashtra and sold it to the complainant by executing a GPA. The closure report further states that there is no specific evidence that respondent no. 2 to 4 had any prior information about the dispute. The Ld. Magistrate had also come to the same conclusion that there is no evidence to show that the alleged persons had any prior information regarding the property in dispute.

8. This court had called for the record of FIR no. 71/2007 PS Hari Nagar, which is pending trial. The perusal of the said FIR shows that it was registered on the complaint of Rajeshwari Sharma and Kamlesh Sharma who alleged that their property has been sold off by Bank of Maharashtra, Janak Puri branch on the basis of certain fraudulent documents. The original sale deed was in the custody of their father. The charge sheet further reveals that after registration of FIR investigation was taken up by SI Kartar Singh, who seized relevant documents from Bank of Maharashtra. The original sale deed and the forged sale deed were duly verified by the subsequent IO.

9. Ravi Kumar who is respondent no. 2 before this court had allegedly purchased the plot in question. The complaint was

made on 08.01.2007 and the FIR was registered almost after a month. It is thus not possible to presume at this stage that respondent no. 2 herein, the alleged auction purchaser was not aware. Ravi Kumar has been cited as a witness in the said FIR and his statement u/s 161 C.P.C. has been recorded.

10. The perusal of the record shows that GPA in favour of the complainant was executed by Amit Kumar, Ravi Kumar, Darshana Rani & Anubha. Amit Kumar @ Amit Batra was called for interrogation and he completely pleaded ignorance. The IO has put him three questions during interrogation which are reproduced as under:-

Q 1. What is your good name and how you have come with contact to the complainant namely Ashwani Bansal?

Ans. My name is Amit Batra and my mother made a deal through some property dealer (middle man) who's name and whereabouts I don't remember, as it is too long time now.

Q. 2. Have you met with the complainant? If yes, kindly provide the date and place of meeting(if any)?

Ans. As this deal is executed by my mother we actually don't know much about this deal. Moreover, my mother is no more.

Q. 3. Who are other persons involved in the execution of GPA between you and the complainant?

Ans. Other persons involved in the execution of GPA are:-

- 1) Late Ms. Darshana Rani.*
- 2) Ravi Kumar*
- 3) Anubha Batra wife of Ravi Batra.*

11. Gopal Dass was a witness to those set of documents who has submitted his joint statement with Anubha Babu, all the

statements reflects that they are completely pleading ignorance to the transactions made by them with the complainant. It also belies common sense that why would they sell the property for a lesser price than the purchase price. This in itself speaks volume about the conduct of the accused/respondent. The police had not made any investigation in this regard.

12. It was the duty of the police official investigating the present FIR to bring on record the actual date when the respondents became aware about the fraud played upon them. If they were not part of the earlier transaction.

13. In any case, the Magistrate should have given an opportunity to the complainant by allowing him to lead evidence in his favour while dismissing the protest petition, accepting the closure report. This opportunity was also not given. Hence, the order of the Ld. Magistrate dated 23.01.2025 is unsustainable in law and is thus liable to be set aside.

14. The matter is remanded back with a direction to SHO PS Sarai Rohilla to carry out further investigation and submit a report in the jurisdictional court. The investigating officer shall investigate the exact time period when the accused/respondent became aware of the alleged fraudulent transaction carried by the accused in FIR No. 71/07 PS Hari Nagar.

14. A copy of the order along with TCR be sent back to the court concerned for information and necessary action. Copy of the order be also sent to the SHO Sarai Rohilla for compliance.

15. Revision file be consigned to Record Room. TCR of FIR No. 71/2007 PS Hari Nagar be sent to the court concerned.

Announced on this

02nd day of May 2026

**(ANKUR JAIN-I)
ASJ-04/Central/Delhi.**

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