

**IN THE COURT OF MS. BHAVNA KALIA, LD. ASJ/SPECIAL
JUDGE (NDPS)-01, DWARKA COURTS (SOUTH-WEST),
NEW DELHI**

Criminal Revision No. 144/2026

In the Matter of:

NEERU MEHRA

R/o 28/8 Third Floor,
Punjabi Bagh Extension,
New Delhi-110028

.... Revisionist

VERSUS

ASTHA GHAI WALIA

R/o B/2- Block, Janakpuri
New Delhi-110018

....Respondent

Date of Institution of the Petition	: 04.07.2025
Date of Arguments	: 18.11.2025 and 10.02.2026
Date on which judgment was pronounced	: 25.02.2026

ORDER

1. Vide this Order today, the present revision petition shall be decided.

2. This criminal revision petition has been filed assailing the order dated 17.05.2025 (hereinafter to be referred to as the impugned order) passed by the Ld. Trial Court whereby the Ld. Trial Court had

discharged the accused Astha Ghai Walia for offence punishable u/s 427/452 IPC.

3. Notice of the said revision was issued to the respondent and arguments were heard in the matter. TCR was also summoned. Oral and written submissions of both the parties have been considered.

4. The impugned Order under challenge has been perused carefully.

5. The revision petition has been filed on the ground that the Ld. Trial Court failed to appreciate the facts of the case and wrongly held that there was no trespass in the property of the complainant by the accused.

6. In order to appreciate the grounds of revision, it is imperative to go through the facts of the case. The complainant Neeru Mehra and accused Astha Ghai Walia are stated to be sisters and their mother Smt. Geeta Ghai, as per her will dated 25.11.2014, equally gave all her properties including commercial property at B-1/1 Janakpuri Community Centre to both the daughters. Complainant stated that she obtained her letter of administration dt. 22.07.2017 and also got the property mutated in her name from DDA on 14.12.2017. She stated that on 26.04.2017, she saw that first and second floor locks were broken open by way that the light was on, on the first floor and two air conditioners were installed on the second floor of her locked

premises. She immediately dialed 100 number and called the police. She said that one police official came on the bike and she told him that someone had entered her premises and broken open the locks. She said that the police official did not let her enter the premises and she gave her complaint in the PS Janakpuri. On perusal of a complaint and cross examination of the complainant, it is further seen that the first and second floor of the said commercial property was rented out to Birla Sunlife Insurance Ltd., even before the death of the mother and the same was vacated by Birla Sunlife in the year 2015. Complainant stated in her cross-examination that possession was never given to her by Birla Sunlife. During oral arguments before the Court, it was submitted on behalf of complainant that she had letter of administration dt. 22.07.2017 in respect of her half portion of the property as per the will.

7. In view of the above facts, the impugned order has been perused. It is seen from the impugned order dt 17.05.2025 that the accused persons were discharged as there was no evidence on record against her, even to show her entry on the said property. It has been observed that the complainant was never in possession of the property and that it was not disputed that the property was yet to be partitioned.

8. It is settled law that in any revision petition, the revisionist Court should interfere only if there is patent defect in the impugned Order. On perusal of the impugned order, it is seen that the Ld. Trial Court has rightly held that the complainant has not given any

evidence against the accused. In the statement given by the complainant on 15.07.2019 as CW-1, she has merely stated that on 26.04.2017 she saw that the first and second floor locks were broken open and there was light on, on the first floor and two air conditioners were installed on the second floor. There is no mention about the accused having entered the property. Further, the letter of administration is stated to be obtained on 22.07.2017 which is after the stated incident. Further, as rightly held by the Ld. Trial Court, the property is yet to be partitioned and hence, the possession of property is not clear. For the purpose of trespass, it is settled law that one must have possession of the property in which trespass is stated to have taken place. Complainant has admitted in her cross examination that she was never having possession of the property i.e. B-1/1, Community Centre, Janakpuri. In such a situation, it cannot be said that any trespass was committed by the accused. Ld. counsel for the complainant has submitted that possession could be constructive possession and need not be actual possession to bring the offence in the ambit of trespass. The written submissions filed by the counsel mention the case law relied upon by him. However, in the opinion of the Court, the said case law are not relevant in the present facts as constructive possession is not pleaded and is not even evident from the facts of the case. In any case, the incident complained of is before the complainant obtained the letter of administration and thus was not in any kind of possession of the property mentioned above. Further, identity of any trespasser has not been disclosed by the complainant. It appears that it is only presumed that the accused was present in the

property at the said date and time. No reason for any suspicion is also mentioned.

9. In view of the above discussed, in the opinion of the Court, the Ld. Trial Court has rightly considered all the aspects of the case and the law on the point and passed a reasoned order. The impugned order does not suffer from any infirmity and is hence, upheld. Hence, revision petition filed by petitioner/complainant is hereby dismissed.

10. Revision petition is disposed of accordingly. File be sent back to Ld. Trial Court.

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

**Announced in the open court
today i.e on 25th February 2025**

(BHAVNA KALIA)
Spl. Judge (NDPS)-01 South-West District,
Dwarka Courts, New Delhi