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

+ **CRL.M.C. 4606/2024**

ROHINI WAHI @ ROOHANI

.....Petitioner

Through: Mr. Puneet Mittal, Sr. Adv. with mr.
Arsheel Ali, Mr. R. P. Singh, Advs.

versus

STATE NCT OF DELHI AND ORS.

.....Respondent

Through: Mr. Satish Kumar, APP for State and
Insp. Yog Raj, PS Sector-7/EOW.
Mr. K. B. Upadhyay, Ms. Kalpana,
Ms. Pinki Tiwari, Advs. for R-2 and
3.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **24.07.2024**

CRL.M.A. 17315/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 4606/2024

3. The present petition has been filed under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of the FIR NO. 01/2014, PS EOW (South) and the proceedings arising from the said FIR vide Cr. Cases No. 366/2021 before the Ld. CMM, Saket Courts, New Delhi with the following prayer:

“a. Call the trail record from the Court of Ld. CMM, South, Saket Courts, New Delhi, pertaining FIR No.01/2014, P.S.



EOW (South), Mandir Marg, New Delhi.

b. Quash FIR No.01/2014, P.S. EOW (South), Mandir Marg, New Delhi, registered under Section 420/467/468/471/120B IPC, as well as quash the charge sheet and subsequent proceedings arising out of the said FIR;

C. Pass any further order as this Hon'ble Court may think fit in the interest of justice.”

4. Learned senior counsel for the petitioner submits that the heart of the present dispute is the will of late Sh. Faiz Murtaza Ali. Learned senior counsel for the petitioner submits that the petitioner is the second wife of late Sh. Faiz Murtaza Ali and respondent No.2 is the first wife of late Sh. Faiz Murtaza Ali and respondent No. 3 is the daughter born out of the marriage of Sh. Faiz Murtaza Ali and respondent No.2.
5. Learned counsel submits that the will in question has already been challenged by the respondents by a civil suit bearing number CS 4084/13 which is pending before Himanchal Pradesh High Court. Learned counsel further submits that initially a complaint was also filed with SSC, Palampur, Himanchal Pradesh which was returned on the basis that it is a civil suit.
6. Learned senior counsel submits that it is no longer res-integra that the question of the genuineness of the will has to be decided by the civil court.
7. Learned senior counsel further submits that respondent Nos. 2 and 3 by concealing all the material facts filed a false complaint before EOW, Delhi on which the FIR was lodged and after investigation charge-sheet was filed. Learned senior counsel submits that there are serious



questions as to the territorial jurisdiction and the continuation of the proceedings.

8. Issue notice.
9. Learned APP for the state has accepted the notice.
10. Learned counsel appearing on behalf of respondent Nos. 2 and 3 has accepted the notice.
11. Learned counsel for respondent Nos.2 and 3 states that the revision petition filed by the petitioner against the filing of the charge-sheet has already been dismissed by the Ld. Session Court.
12. Let reply be filed before the next date of hearing.
13. List on 26.09.2024.

CRL.M.A. 17314/2024

14. The present application has been filed with the following prayer:

“a. Stay the proceedings before Ld. CMM, South, Saket Courts, New Delhi, in FIR No.01/2014, P.S. EOW (South), Mandir Marg, New Delhi, till the disposal of the present quashing petition; and

b. Pass any other or further order(s) as may be deemed just, proper and in the interest of justice, may also be passed.”
15. Learned senior counsel submits that there is a serious question of legality regarding the continuation of the proceedings therefore the proceeding may be stayed.
16. Issue notice.
17. Learned APP for the State has accepted the notice.
18. Learned counsel for respondent Nos.2 and 3 has accepted the notice.
19. Let reply be filed before the next date of hearing.
20. In the meantime, proceedings before the Ld. Trial Court qua the present



petitioner remain stayed.

21. List on 26.09.2024.

JULY 24, 2024/AR..

DINESH KUMAR SHARMA, J