



\$~26

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

+ **CRL.M.C. 3841/2025**

**OM PRAKASH KASHYAP & ANR.** .....Petitioners

Through: Mr. Rakesh Tiku, Sr. Adv. with Mr.  
Ajay & Mr. Rajinder Kumar, Advs.

versus

**ANIL KUMAR SAXENA & ORS.** .....Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

% **28.05.2025**

**CRL.M.A. 16818/2025 (exemption from filing certified copies etc. )**

Allowed, subject to just exceptions.

Application stands disposed of.

**CRL.M.C. 3841/2025 & CRL.M.A. 16817/2025 STAY**

1. This is a petition under Section 528 of BNSS for quashing the order of cognizance and summoning dated 29.06.2022 passed by MM-11 Dwarka, Delhi in complaint case no. 6532/2019 titled as 'Anil Kumar Saxena v. Om Prakash Kashyap & Ors.' as well as the criminal proceeding emanating from the said order of summoning against all the accused persons.
2. Mr. Tiku, Ld. Senior Counsel appearing for the petitioners submits that the respondent no. 1 filed a complaint case against the petitioners that



the petitioners have forged and fabricated the Will dated 18.03.2013 of deceased Virender Kumar Saxena and on such complaint, the Trial Court took cognizance and summoned the petitioners under Sections 420/467/468/447/471/34 IPC.

3. The Ld. Senior Counsel further submits that based on the Will dated 18.03.2013, the petitioner no. 1 filed a probate petition and probate has been granted by the learned District Judge against which order an appeal is pending before this Court. However, there is no stay granted by this Court.

4. It is further submitted, that the Will having been duly proved is probate proceedings, there is no basis for continuing with the complaint filed by respondent and therefore complaint is not maintainable.

5. Issue notice to all respondents, subject to petitioner taking requisite steps returnable on 07.07.2025.

**RAVINDER DUDEJA, J**

**MAY 28, 2025/GS**