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

+ CRL.M.C. 4905/2024

ANIL KASHYAP & ORS.

..... Petitioners

Through Mr. Sameer Gupta, and Mr.
AayushmanArora, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondent

Through Mr. Utkarsh, APP for the State with SI
Dinesh Joshi, PS: Amar Colony.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **01.07.2024**

1. This petition has been filed seeking quashing of FIR No. 56/2024, registered at PS Amar Colony under Sections 420/34 of Indian Penal Code, 1860 (“**IPC**”).
2. The issue arises pursuant to the death of Late Moti Lal on 21st October, 2019. The Petitioner no. 2 is the widow of Sh. Motilal and petitioner nos. 1,3 and 4 are the children to petitioner no.2 of Sh. Motilal.
3. Respondent no.2 claims to be progeny by second marriage of Sh. Motilal.
4. The dispute arose out of a will allegedly made by Sh. Motilal in which the respondent no.2 was the beneficiary.
5. Respondent no. 2 applied for and had obtained mutation/transfer of residential plot no. D-133, Sector-47, Gautam Budh Nagar, Uttar Pradesh. In



April, petitioner filed a complaint to NOIDA alleging that respondent no.2 had fraudulently obtained mutation/transfer of the said property. On 02nd June, 2022, after conducting investigation cancelled the mutation/transfer in favour of respondent no.2.

6. Petitioner no.1 lodged FIR no. 195/2022 on 09th June, 2022 at P.S. Noida Sector 49 against respondent no. 2 and his mother. A chargesheet has also been filed in the said FIR.

7. Subsequently, petitioners applied for Surviving Member Certificate (“SMC”) from the Revenue Department, Government of NCT of Delhi which was issued in their favour on 09th March, 2022. Respondent no.2 made a complaint thereafter alleging that the said SMC was issued on the basis of false statements and documents and was cancelled by the authorities on 09th January, 2023.

8. Respondent no.2 also made a complaint to PS Amar Colony in August, 2022 alleging offence under Sections 406, 409, 420, 267, 471 and 478 of the IPC against the petitioners. Thereafter, an application under Section 156 (3) of the Cr. P.C was filed seeking directions for registration for an FIR and the impugned order dated 13th February, 2024 was passed by Learned Trial Court directing registration of the said FIR.

9. Petitioner seeks quashing of the same as well as setting aside of the said impugned order.

10. Issue notice.

11. Notice is accepted by APP for the State and counsel for respondent no.2.

12. Status report be filed by State before the next date of hearing. A copy of which may be given to respondent no.2 and the counsel for petitioners.

13. A copy of the petition may also be supplied to counsel for respondent



no.2.

14. Ld. APP states that the matter is at the initial stages of investigation and they have sought a report from the FRRO to assess the allegations made by respondent no.2 in relation to petitioner no.4 (*Aarti Singh*) who is resident of United Kingdom, of her absence when the affidavit was executed by her, filed for procuring the SMC.

15. List on 13th September, 2024.

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 1, 2024 /RK/ig

[Click here to check corrigendum, if any](#)