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

+ CRL.M.C. 2565/2023

BALDEV RAJ KAMRAH ..... Petitioner  
Through: Mr. Sudarshan Rajan with Mr. J. S.  
Kalra and Mr. Satya Priya Kamrah,  
Advocates.

versus

STATE OF NCT OF DELHI & ANR. .... Respondents  
Through: Mr. Tarang Srivastava, APP for the  
State with SI Sandeep Kumar, P.S.:  
Uttam Nagar.

**CORAM:**  
**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **13.04.2023**

**CRL.M.A. 9729/2023**

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

**CRL.M.C. 2565/2023**

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C. '), the petitioner seeks quashing of proceedings in the criminal complaint pending before the learned Metropolitan Magistrate, which led to the registration of FIR No. 1028/2014 dated 08.09.2014 under sections 471/420/109/506/467/120B/468/34 of the Indian Penal Code, 1860 (I.P.C.) at P.S.: Uttam Nagar, pursuant to order dated 28.08.2014 made by the learned Magistrate under section 156(3) CrPC.

2. Mr. Sudarshan Rajan, learned counsel appearing for the petitioner submits, that the petitioner who is 95 years of age, was Secretary of the Delhi Gandhi Samarak Nidhi ('DGSN'), which (latter) is the State body for Delhi and works under the apex body Gandhi Samarak Nidhi ('GSN'). Counsel submits that the petitioner was investigated in the case, culminating in an 'undated' closure report being filed by the police, *inter-alia* recording that the matter was "... *mainly a property dispute, purely civil in nature and there is a long history of civil litigation in respect of property in question...*" and thereby seeking closure of the prosecution.
3. Mr. Rajan submits, that the complainant/respondent No.2 in the present proceedings thereafter filed a protest petition challenging the closure report, which has led to the learned Magistrate to direct further investigation in the matter *vide* order dated 13.09.2022.
4. Upon being queried as to why order dated 13.09.2022 has not been challenged by way of the present petition, counsel submits that though a prayer to that effect was incorporated in the petition *as originally filed*, the Registry put a specific objection asking counsel how the prayer was maintainable, since the matter was seeking quashing of the proceedings.
5. Mr. Rajan has taken the court through the records of the matter, *inter-alia* a *khatauni* whereby the subject land was transferred by the Gram Sabha in favour of GSN, which land has now come into the use of the DGSN *inter-alia* for the Hastsal Kendra (Najafgarh Block).
6. Upon a *prima-facie* view of the matter, issue notice.

7. Mr. Tarang Srivastava, learned APP appears for the State on advance copy; accepts notice; and seeks time to file status report.
8. Let status report be filed within 06 weeks; response thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
9. Upon the petitioner taking requisite steps, let notice be sent to respondent No. 2 by all permissible modes, returnable for the next date.
10. Let the notice indicate that reply to the petition be filed within 06 weeks of service; response/rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
11. On another note, in view of what has been recorded above, the Registrar (Listing) is directed to clarify as to the scope of scrutiny that the scrutiny officer in the Registry is required to make while clearing a petition for listing, and whether there are any general directions or judicial orders whereby the scrutiny officer is required to form a *prima-facie* opinion as to whether a given prayer is maintainable before the court or not.
12. Let a report addressing the above be filed before the next date.
13. Re-notify on 18<sup>th</sup> September 2023.

**CRL.M.A. 9728/2023 (for stay)**

14. By way of the present application under section 482 Cr.P.C., the petitioner seeks stay of further investigation in the subject FIR as directed by order dated 13.09.2022.
15. Upon a *prima-facie* view of the matter, issue notice.
16. Mr. Srivastava accepts notice; and seeks time to file status report.

17. Let status report be filed within 06 weeks; response thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
18. Upon the petitioner taking requisite steps, let notice be sent to respondent No. 2 by all permissible modes, returnable for the next date.
19. Let the notice indicate that reply to the application be filed within 06 weeks of service; response/rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
20. A perusal of the closure report filed by the police discloses that a detailed investigation was conducted, whereupon the police found that there was no material disclosing criminality in the matter. Furthermore, the petitioner is stated to be 95 years of age, and is now facing further investigation by reason of order dated 13.09.2022 made by the learned Magistrate.
21. In light of the above, on a *prima-facie* view of the matter, *further investigation in the matter shall remain stayed*, till the next date of hearing before this court.
22. Insofar as the *proceedings in the protest petition* are concerned, though the same may go on before the learned Magistrate, considering the *petitioner's age, his personal appearance* before the learned Magistrate shall remain exempted, till the next date of hearing.
23. Re-notify on 18<sup>th</sup> September 2023.

**ANUP JAIRAM BHAMBHANI, J**

**APRIL 13, 2023**

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