



2026:DHC:54



IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment reserved on : 26.09.2025
Judgment delivered on : 06.01.2026

+ **CRL.REV.P. 627/2023**

SMT SUDHA SHARMA

.....Petitioner

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Yash Gupta and Ms. Khushi Verma,
Advocates.

For the Respondent : Mr. Sunil Kumar Gautam, APP for the
State with SI Mahabir, PS EOW.
Mr. Sanjay Dewan, Senior Advocate with
Ms. Kashish Jain, Advocate for R-2 (through
VC).
R-2 in person (through VC).

CORAM

HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present petition is filed under Section 397/398 & 401 read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter* 'CrPC') seeking setting-aside of the judgment dated 13.04.2023 (*hereinafter* '**the Impugned Judgment**'), passed by the learned Additional Sessions Judge (*hereinafter* '**ASJ**') in Criminal Appeal Bearing No. 483/2018, *vide* which the appeal of the revisionist/Smt. Sudha Sharma was dismissed on the ground of non-



maintainability of the appeal.

2. Succinctly stated, one partnership firm in the name of *M/s Young Men's corporation* was allotted an immovable property by the Delhi Development Authority ('**DDA**') bearing no. C-131, Phase-II, Mayapuri, New Delhi (*hereinafter 'subject premises/property'*) with the five co-sharers namely Smt. Shanti devi, Smt. Sudha Sharma, Smt. Ashawati, Smt. Laxmi Devi and Dr. Chanderkant. It is alleged that Dr. Chandrakant sold his portion/share to Respondent No.2/Sh. M.L. Sharma and Smt. Lakshmi Devi sold her share to Revisionist/Sudha Sharma.

3. It is the case of the revisionist/Smt. Sudha Sharma that on 18.03.2004, Respondent No.2/Sh. M.L. Sharma gave a complaint to the Commissioner of the Police, Police Station Mayapuri, alleging that he had purchased *two rooms on the top floor of the subject property* from Dr. Chanderkant, *vide* GPA dated 20.07.1994 and the locks he had put on the two rooms located have been changed.

4. During the preliminary inquiry, Dr. Chanderkant was examined, who stated that though he had sold 1/7th share in the undivided subject property *vide* GPA dated 20.07.1994 to the Respondent No. 2, however, he denied having sold any specific portion of the top floor to him. Upon being confronted with the GPA dated 20.07.1994, purportedly executed by Dr. Chanderkant in favour of M.L. Sharma, Dr. Chanderkant acknowledged his signatures but stated that certain additional lines "*Specially for two rooms located with top floor and 1/3rd share on back side of the building.*" had been inserted



subsequently, without his consent.

5. Thus, the subject FIR No. 566/2006 was registered for the offences under sections 193/200/467/471 of the IPC, at Police Station Hauz Khas, on 05.09.2006 by Complainant/Sub-Inspector Rakesh Kumar against Respondent No. 2.

6. Upon completion of investigation, the police filed a chargesheet against Respondent No. 2 under Sections 420/468/471/511 of the IPC. Cognizance was taken, and *vide* Order dated 10.08.2010 the charges were directed to be framed and on 05.02.2011, the Respondent No. 2 was charged for the offences under sections 468/471/420/511 of the IPC, to which he pleaded not guilty.

7. The challenge to this Order on framing of charges by the Respondent No. 2 was dismissed on 08.12.2011, and the Petition under Section 482 Cr.P.C. before this Court, assailing the dismissal was also dismissed.

8. The Learned CMM *vide* judgment dated 24.11.2018, acquitted the accused/Respondent No. 2, by essentially observing that *firstly*, the prosecution has failed to prove that the property of M/s Young Men's Corporation was partitioned or the co-sharers were in possession of specific portions; *Secondly*, since, Dr. Chanderkant never stepped into the witness box and a reduced xerox copy of the original GPA was sent for FSL, the evidence was insufficient to conclusively establish intention to cheat by the accused and the commission of the alleged offences; and *lastly*, issues relating to ownership and possession were already pending before the civil court. Consequently, the Court



extended the benefit of doubt to the accused and acquitted him of the charges framed.

9. Pertinently, the State did not file an appeal against the judgment of acquittal.

10. However, Revisionist/Smt. Sudha Sharma, claiming to have suffered loss and injury due to the accused's/ M.L. Sharma's acts of forgery, preferred a *Criminal Appeal No. 8/2018* before the Learned District & Sessions Judge, South District, Saket Courts, New Delhi.

11. The learned ASJ dismissed the appeal *vide* the impugned judgment dated 13.04.2023, holding that the appeal was not maintainable. The learned ASJ observed that *firstly*, the prosecution arose from a police report, not a private complaint, and hence only the State could have filed an appeal under Section 378(1)(b) Cr.P.C.; *secondly*, the Revisionist did not qualify as a "victim" within the meaning of Section 372 Cr.P.C., since the alleged acts of forgery were directed towards Dr. Chanderkant only; *thirdly*, she failed to demonstrate any "loss or injury" caused by the accused's act, as required under Section 2(wa) Cr.P.C.; and *lastly*, the issue of possession was sub-judice in civil proceedings, thereby negating a claim of immediate injury.

12. Aggrieved, the present petition has been filed assailing the above dismissal.

13. The learned counsel for the Revisionist submits that Smt. Sudha was a "victim" within the meaning of Section 2(wa) Cr.P.C. and was thus entitled to appeal under the *proviso* to Section 372 Cr.P.C,



because the forgery in the GPA dated 20.07.1994 has been committed in relation to the portion of the property specifically of Smt. Sudha Sharma who purchased it from Smt. Laxmi Devi, by paying consideration. Documents were executed in her favour, and she has been in possession of the same since, 2001.

14. He further submits that due to the acts and omissions of the Respondent No. 2 of forging the GPA dated 20.07.1994, Smt. Sudha has suffered irreparable financial, mental and emotional loss as she has been contesting the claim since 2005 and thus, she should have been considered a “*victim*”.

15. *Per contra*, the learned counsel for the Respondents submits that the contentions raised by the Revisionist herein have already been addressed by the learned ASJ *vide* the impugned order, which does not merit any interference and the present petition is liable to be dismissed as the Revisionist has no locus to pursue the same.

16. He further submits that the claim of possession of the respective portions is pending adjudication. He further submits that the SDM *vide* Order dated 25.05.2011 had returned a finding that the Respondent No. 2/M.L. Sharma is in possession of the two rooms on the top floor of the disputed property. The petition filed by the son of the Revisionist assailing the same, was dismissed by the learned ASJ. The order of the learned ASJ has been challenged before the learned High Court and the Revisionist obtained *ex-parte* stay against the SDM Order and the same is pending adjudication.

17. Submissions heard and the material placed on record perused.



Analysis

18. The scope of interference by High Courts while exercising revisional jurisdiction is well settled. The power ought to be exercised sparingly, in the interest of justice. It is not open to the Court to misconstrue the revisional proceedings as an appeal and reappraise the evidence unless any glaring perversity is brought to its notice.

19. *Vide* order dated 30.05.2023, this Court limited the scope of this petition to the aspect of maintainability by framing the only question for determination that “*whether the petitioner would be a victim as envisaged under Section 372 Cr.P.C. The petitioner in the present case is aggrieved by the acts of Respondent No.2 who wanted to grab the property of the Petitioner who is stated to be in possession of property bearing No. C-131, Mayapuri, Phase-II, New Delhi.*”

20. At the outset, it is apposite to mention that Section 378 CrPC is the specific provision dealing with appeals against acquittal. In cases instituted upon a police report, the right to prefer an appeal is vested exclusively in the State Government through the Public Prosecutor.

21. Admittedly, the present case arose out of an FIR and culminated in a charge-sheet, filed by the police. Consequently, the only competent authority to file an appeal against acquittal was the State, which has chosen not to challenge the same.

22. Further, Section 378 of the CrPC also contemplates appeals by a complainant, but only in cases instituted upon a complaint. The present proceedings do not fall within that category as the Revisionist



was not the complainant in the case.

23. At this juncture it would be apposite to advert to Section 372 of the CrPC, which reads as under: -

*“372. No appeal to lie unless otherwise provided.— No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code by any other law for the time being in force: 163 I [Provided that the **victim** shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.]”*

24. The bare perusal of the same reflects that a victim can challenge an order on acquittal and the expression “*victim*” has been defined in Section 2(wa) Cr.P.C. as “*a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir*”.

25. Hence, it emerges that to qualify as a “*victim*”, it has to be established that *firstly*, a person alleging to be the victim has suffered and loss or injury and *secondly*, such loss or injury was a result of the acts/omissions of the accused was charged for.

26. The second aspect, specifically refers to acts/ omissions of the accused “*he was charged for*”.

27. In the present case, the Respondent No. 2 was charged under Sections 420, 468, 471 and 511 of the IPC, in respect of alleged forgery of a document i.e. GPA dated 20.07.1994, issued by Dr.



Chandrakant, with the intent of cheating him. The identity of the person deceived/ impersonated/ injured is determinative and the forged insertion relates to *what he allegedly conveyed*. Thus, the same purports to reflect the consent of Dr. Chandrakant alone. Hence, the deception, if any, was *qua* Dr. Chandrakant and thus, the charges have been framed and the "intent to cheat" was examined only *vis-à-vis* Dr. Chandrakant.

28. The charges as framed do not pertain to, nor do they refer to, the Revisionist/Sudha Sharma in any manner and have not been framed for cheating her. Pertinently, the accused has not been charged for usurpation of property or illegal occupation or for trespass or wrongful restraint. Further, it is also not the case that the accused ever impersonated Smt. Sudha Sharma, affixed any forged signature in her name, or held himself out as authorised to act on her behalf.

29. Thus, the second ingredient of the definition of "*victim*" is, therefore, not satisfied.

30. As regards the first aspect, it is undisputed that no monetary loss was occasioned to her on account of the alleged acts of the accused.

31. The term "*injury*" has been defined as under Section 44 of the IPC as "*any harm whatever illegally caused to any person, in body, mind, reputation or property.*" Evidently, there is no claim of bodily harm or harm to the reputation.

32. As regards harm to the property and mind, admittedly, the issue of possession is pending adjudication before the civil court and due to



the acts/omissions of Respondent No. 2, the property has not gone into his possession or into the possession of any other person. Even the alleged claim of possession, as set up by the Respondent No. 2 on the basis of the forged document, was neither accepted by the police nor acted upon to the detriment of the Revisionist/ Smt. Sudha. On the contrary, the police themselves detected the forgery and proceeded against the accused wherein the Revisionist/Smt. Sudha was merely cited as a witness in the case.

33. Further, the first ingredient of the definition of “*victim*” also remains unfulfilled.

34. Since neither of the essential ingredients required to bring the Revisionist/Smt. Sudha within the ambit of the expression “*victim*” under Section 2(wa) CrPC is satisfied, the Revisionist/Smt. Sudha Sharma cannot claim the status of a victim in the present proceedings.

35. Hence, in the facts of the present case, in the opinion of this court, it has been rightly noted by the learned ASJ, Smt. Sudha does not fall within the category of a “*victim*”, she cannot invoke the proviso to Section 372 of the CrPC to challenge the order of acquittal.

36. In view of the above, there is no ground for interfering the impugned order.

37. The present petition is dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J

JANUARY 06, 2026

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