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

% *Date of decision: 26th September, 2025*

+ CRL.M.C. 6966/2025 & CRL.M.A. 29250/2025 EXMP.

GOVINDER SINGH

.....Petitioner

Through: Mr. Gaurav Gupta, Adv.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the State
with SI Manju Yadav, P.S.
Chanakyapuri.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ARUN MONGA, J. (ORAL)

1. Petitioner herein seeks quashing of order dated 08.07.2025 passed by the learned ASJ, Patiala House Courts, New Delhi in Criminal Revision petition bearing no. 207/2020 whereby revision petition filed by the petitioner against the order dated 24.01.2020 passed by the learned Metropolitan Magistrate was dismissed.

2. Brief factual background as pleaded in the petition in hand is that a dispute arose qua property No. 3, Sardar Patel Road, New Delhi. The Petitioner's mother acquired the property through a Perpetual Lease dated 26.04.1956. She gifted a 25% share to the Petitioner *vide* Gift Deed dated 31.03.1971, which was duly mutated by L&DO on 16.09.1971.

2.1 Later, through a Memorandum of Family Understanding dated



10.03.1989, the Petitioner's share was increased to 50%, which was confirmed by a Consent Decree of this Court on 25.11.1993. The Court also ordered status quo from time to time i.e. on 02.05.1994, 30.10.1995, and 05.12.1995.

2.2 In 2007, the Petitioner alleged that his brother, Tejinder Singh had fraudulently mutated 50% of the property in his name using forged gift deeds dated 26.02.1999 and 28.09.2002, purportedly executed by their mother. He also falsely declared Indian citizenship despite being a British national since 15.09.1986 and submitted a false indemnity bond denying any stay order on the property.

2.3 The Petitioner's police complaint resulted in registration of FIR No. 200/2007 at P.S. Chanakya Puri against his brother. The police after investigation filed a cancellation report on 02.07.2009. A protest petition was dismissed on 10.05.2010 by the learned MM. On revision, the Ld. ASJ, by order dated 03.06.2011, set aside the dismissal and ordered a fresh investigation.

2.4 Nevertheless, the police after further investigation, yet again filed another cancellation report on 19.11.2013. Same was accepted by the Ld. MM on 24.01.2020 by dismissing the Petitioner's second protest petition.

2.5 The Petitioner's Criminal Revision Petition against this order of MM was also dismissed by the Ld. ASJ vide impugned order on 08.07.2025.

3. Hence the instant petition whereby quashing of the impugned order is being sought on the following grounds:

3.1 The ASJ failed to appreciate that the M.M. had overlooked that the S.H.O.'s investigation was biased, faulty and mala fide; because of that a fresh investigation by an independent agency was required. The directions in



the order dated 03.06.2011 were completely ignored during the investigation (and thereafter).

3.2 The ASJ did not note that the Police themselves had registered FIR No.200/2007 under Sections 199/ 200/ 403/ 404/ 405/ 406/ 15/ 420/ 423/ 448/ 463/ 464/ 467/ 468/ 120-B IPC, yet failed to investigate those offences despite the Trial Court directing registration after hearing the complainant.

3.3 The ASJ ignored that the accused, Tejinder Singh, in conspiracy and connivance with L&DO, caused the property to be transferred in his name and thereby committed forgery, cheating and fraud; the police failed to investigate these allegations or arrest the accused.

3.4 Key witnesses were never examined during investigation; therefore the police's closure/cancellation report is illegal and void.

3.5 The petitioner was never called by police (procedural lapse). Police did not impound or recover the allegedly illegal gift deeds (1999 & 2002) or the mutation records from the accused; on that basis the cancellation report is illegal, arbitrary, and the investigation should be conducted by an independent agency (P.S. Chanakya Puri cannot be trusted to be fair, especially given admitted document-tampering and conflict with court orders).

3.6 The M.M. himself admitted interpolation in the accused's affidavit (order 24.01.2010), but this admission was not given due weight. The accused altered his affidavit by adding the word "born" to change "I am citizen of India" to "I am [born] citizen of India" despite evidence he was a British national since 15.09.1986. Despite this apparent forgery, the M.M. did not allow the protest petition; the Sessions Judge had, however, noted false statements in the order dated 03.06.2011.



3.7 The ASJ failed to recognise that the M.M. erred in holding there was “no element of cheating, conspiracy, or forgery” — whereas prima facie the facts disclose cheating, conspiracy and forgery (FIR was registered under section 156(3) after perusing the complaint documents).

3.8 The ASJ accepted the M.M.’s finding that mutation was not based on the Affidavit/Indemnity Bond dated 10.03.1999 and 3.7.2004, but this is wrong: L&DO required those documents for mutation, and their officials have since changed their stand (apparently to protect themselves and the accused). The affidavit/indemnity bond’s purpose is to verify citizenship; that explains why the accused altered his affidavit.

3.9 The ASJ failed to appreciate that the Gift Deed itself was illegal as it was executed in breach of a stay in Suit No. 973 of 1994 and in violation of the Consent Decree dated 25.11.1993. An instrument executed in violation of a court order is void *ab initio* and need not be separately declared invalid; the ASJ wrongly treated the mutation based on that Gift Deed as valid because no court had expressly declared the deed invalid.

3.10 The ASJ’s finding that the complainant’s grievance was “not made out since the mutation has not taken place on the basis of the said documents” misunderstands the material linkage between the affidavit/indemnity bond and the mutation. The M.M. himself observed (order 23.05.2012) that if those documents were submitted per L&DO requirements, their contents should have been considered. Yet, the court never probed why L&DO demanded them if they were irrelevant, showing failure to appreciate the material connection and a failure to investigate the alleged fraud.

4. In the aforesaid backdrop, I have heard learned counsel for the



petitioners and learned APP for the State as perused the material available on record. Counsel for the petitioner argues on the lines of the grounds pleaded in the petition, whereas APP would support the impugned order for the reasons stated therein and thus seeks dismissal of the petition.

5. At the very outset, having perused the impugned order along with the cancellation report referred to therein, I may like to observe at the very threshold that I am in agreement with the short and brief stand taken by the learned APP.

6. Order passed by the learned ASJ duly notes that the petitioner alleged that Tejinder Singh, in violation of court-ordered status quo (dated 02.05.1994, 30.10.1995, and 05.12.1995) and a consent decree dated 25.11.1993, got the property illegally mutated in his name by filing false affidavits, indemnity bonds, and undertakings. He allegedly forged his affidavit dated 10.03.1999 by adding the word “born” to falsely claim to be a “born citizen of India,” despite being a British national since 15.09.1986. Mutation was said to have been carried out on the strength of these documents with L&DO’s connivance.

6.1 To analyse the allegations, supra, the Investigating Officer sought clarification from L&DO, whose reply dated 19.10.2012 stated that mutation was based on gift deeds dated 26.09.1999 and 28.02.2009, and that no affidavit or indemnity bond was required or sought from Tejinder Singh.

6.2 The MM’s order dated 24.01.2020 accepted the IO’s findings, holding that the allegations of cheating or forgery were not made out, since mutation occurred based on gift deeds, which had not been declared void by any court. Accordingly, the MM found the investigation proper and accepted the cancellation report, dismissing the petitioner’s protest petition.



6.3 The learned ASJ upheld the MM's order, observing that the petitioner had failed to show any illegality, perversity, or infirmity in the 24.01.2020 decision.

7. There is no irregularity, either factual or legal, that warrants interference by this Court at this stage. The record reveals that the present petition is not driven by any bona fide legal grievance, but is instead an attempt, albeit futile, by the petitioner to convert a private family dispute into a criminal proceeding. The material and circumstances suggest that the petitioner's motive is rooted in personal animosity and vindictiveness rather than in the pursuit of justice.

8. The petitioner has effectively misused the State machinery by lodging an FIR against his own brother, thereby transforming a civil and family disagreement into a criminal prosecution. The learned M.M. and Sessions Judge both carried out a thorough examination of the matter, considered all relevant evidence, and given cogent and well-reasoned findings to support the acceptance of the cancellation report. Their findings show that no ingredients of cheating, forgery, or criminal conspiracy are made out against the respondent. The petitioner's conduct, therefore, reflects a conscious attempt to manipulate the criminal justice system for collateral and personal ends i.e. an action that undermines the sanctity of judicial process and constitutes a clear abuse of legal procedure.

9. Pertinently, the petitioner is not without remedy. Should he genuinely believe that his rights have been infringed or that a private wrong has been committed, the law provides him with the option of instituting a private complaint before the competent court. This option offers him a legitimate legal recourse without resorting to the misuse of public authority or coercive



powers of the State intended for genuine criminal offences.

10. As regards the argument that the Investigating Officer failed to adequately probe the alleged interpolation of affidavits, such matters fall squarely within the professional discretion and domain of the investigating agency. The Court cannot dictate the mode or direction of investigation unless there is clear evidence of malice or gross negligence, which is absent here. The process of investigation necessarily involves the assessment of evidence, verification of documents, and evaluation of witness statements, all of which are best left to the expertise of the investigating authorities. The petitioner cannot compel the agency to adopt his personal interpretation of facts, especially when, after repeated investigations and judicial scrutiny, no material suggesting criminal culpability has been found.

11. In view of the above discussion, it is evident that the present petition is devoid of merit and is actuated by personal vendetta. The repeated attempts to reopen concluded investigations amount to a misuse of judicial process and an unwarranted exertion of pressure on the State machinery. The impugned orders suffer from no illegality, perversity, or procedural infirmity.

12. Accordingly, the petition is dismissed, with liberty to the petitioner to pursue any other remedy as available to him under law, if so advised.

ARUN MONGA, J

SEPTEMBER 26, 2025/acm