

FIR No. 300/2020  
PS Sarai Rohilla  
U/S 394/397/452/380/411/120B/34 IPC  
State Vs. Jitender @ Jitu@Jeetu  
(Through Video Conferencing)

03.11.2020

Application under section 167(2) of Cr.P.C for bail

Present: Ld. APP for the State  
Counsel for accused through videoconferencing (CISCO WEBEX).

As per the counsel for applicant/accused, no charge-sheet has been filed by the IO within the statutory period, therefore accused is entitled to statutory bail u/s167(2) Cr.P.C.

It is argued by counsel for the applicant that accused is in custody since 31.08.2020 and clear a period more than 60 days has lapsed but no charge-sheet has been filed, therefore accused is entitled to statutory bail u/s 167(2) Cr.P.C. He has further submitted that although initially FIR was registered under section 394/397/452 etclIPC but during the investigation new facts were discovered and IO dropped section 394/397 IPC and now section 388/452/411/120B/34 IPC only remain against the accused which are punishable with maximum punishment of seven years only.

Ld. APP has opposed the same on the ground that IO could not file the charge-sheet within statutory period as he has suffering from corona and also under the original sections of FIR charge-sheet was required to be filed within 90 days.

I have heard. Ld. APP for the state and counsel for the accused.

As per report of ahlmad no charge-sheet has filed by the IO till date in the present case .Arrest memo of the accused shows that he is in custody since 31/08/2020 Further, as per reply of IO dated 27.10.2020 (which was filed by him as a reply to regular bail application), after it was found that version of Pooja (co-accused) that she was hit with hammer and robbed was found false, the charges under section 397/394 IPC were dropped and now accused only remains charged with 380/452/120B/411/34 IPC which carries maximum punishment of upto seven years. The statutory right of

accused cannot be allowed to be defeated on the ground that initially graver sections were invoked against the accused for which charge-sheet was required to be filed within 90 days. After IO comes to the conclusion that graver charges were not sustainable in view of the new developments, he was required to file the charge-sheet within a period of 60 days as accused was vested with a new statutory right. This right of default bail is indefeasible and absolute right. The other arguments of Ld. APP for the state that accused be denied the statutory bail as charge-sheet could not be filed by the IO because he was suffering from corona is also not sustainable in view of the recent judgment of Supreme Court in the case titled as "S.Kasi Vs. State 2020 SCC online SC 2529 wherein it has been clearly observed that order of Supreme Court dated 23.03.2020 on extension of limitation is not applicable to the period of filing charge-sheet under section 167(2) Cr.P.C.

In view of the above discussion, accused Jitender @ Jitu@jeetu is ordered to be released on bail on furnishing of bail bonds for a sum of Rs. 20,000/- with surety of like amount.

Bail bonds may be furnished before the concerned Duty Magistrate. Accused be released from judicial custody on furnishing of the above bail bond and surety bonds if not required in any other case.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the accused on his email/whatsapp.

CHANDER  
MOHAN

Digitally signed by  
CHANDER MOHAN  
Date: 2020.11.03  
02:28:58 -08'00'

(Chander Mohan)  
MM-04/Central:  
Delhi/03.11.2020

**IN THE COURT OF SH. CHANDRA MOHAN LD. M.M.  
DISTRICT CENTRAL TIS HAZARI COURT COMPLEX  
,DELHI**

IN THE MATTER OF:

**STATE VERSUS BEELAL**

FIR NO. 0020/2020  
U/S 379/411IPC  
P.S. HAZRAT NIZAMUDDIN RLY STN  
IN J.C. SINCE: 27.10.2020  
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**(IN J.C.)**

**Applicant/Accused  
(Beelal)**

**NEW DELHI  
DATED: 03.11.2020**

Through



**A.Q. KHAN & ZEENAT KHAN  
Advocates**

**E-522, Lawyers Chamber,  
Karkardooma Court Complex,  
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(J/c)

1

**IN THE COURT OF SH. CHANDRA MOHAN LD. M.M.  
DISTRICT CENTRAL, TIS HAZARI COURT COMPLEX  
,DELHI**

IN THE MATTER OF:

**STATE      VERSUS      BEELAL  
S/O NURA  
VILLAGE JAMALGAD,  
POST PURANA, NUH  
DISTRICT MEWAT,  
HARYANA**

FIR NO. 0020/2020  
U/S 379/411IPC  
P.S. HAZRAT NIZAMUDDIN RLY STN  
IN J.C. SINCE: 27.10.2020

**FIRST REGULAR BAIL APPLICATION UNDER  
SECTION 437 CR.P.C. ON BEHALF OF THE  
ACCUSED/APPLICANT NAMEDLY BEELAL**

Sir,

IT IS MOST RESPECTFULLY SHOETH:

1. That the applicant/accused is an innocent person, law abiding and piece loving citizen of India who has nothing to do with the alleged offence which was leveled against him and he has been falsely implicated by the Police Officials of P.S. Hazrat Nizamuddin Railway Station in the present case. The copy of said FIR is annexed herewith for kind perusal of this Hon`ble Court. **The same is annexed as Annexure-A.**

2. That the applicant/accused was going to Bombay from his native village Jamalgarh, Post Punana, Nuh, District Mewat, Haryana for his livelihood when he reached at Hazrat Nizamuddin railway Station was arrested by the police official of P.S. Hazrat Nizamuddin Railway Station on 27.10.2020 in the FIR no. 0020/2020, U/s 379/411 IPC and the alleged stolen property one mobile made Samsung, golden colour in the present FIR has been recovered by the police officials since then he is in J.C.
3. That it is submitted that the applicant/accused is not required for any custodial interrogation. Nothing remains to be recovered or discovered from, or at the instance of the applicant.
4. That the recovery has already been affected and thus investigation has already been completed. No fruitful purpose would be fulfill to keep behind him bar.
5. That the applicant/accused is no more required for any investigation purpose and no useful and fruitful purpose would be served by keeping the applicant/accused in J.C.

6. That the applicant/accused having cleaned antecedent and no previous convicted in any court of law.
7. That the applicant/accused is the only bread earner in the family having one son and wife and old aged ailing parents and there is nobody in the family except him to look after them.
8. That the applicant is residing at the above mentioned address hence there is no chance of his absconding or fleeing from trial/justice.
9. That applicant/accused undertakes to furnish his address before the Hon`ble Court, if he changes his address at any point of time.
10. That the applicant/accused is ready to furnish a reliable and sound surety to the entire satisfaction of this Hon`ble Court.
11. That the applicant/accused undertakes that he will not hamper or tamper the prosecution witnesses while granting him bail.
12. That the applicant is ready to abide any condition imposed by this Hon`ble Court and further

undertakes to join the investigation, if any, as and when required by the police officials.

13. That due to the prevailing situation of COVID-19 Pandemic, the Vakalatnama could not get signed so the present bail application in the above noted matter is being moved on the instructions of the PAROKAR named Nura S/o Himmat, father of the applicant/accused who has appraised the facts of the present case.

**PRAYER:**

It is, therefore, prayed that keeping in view all the facts and circumstances, mentioned above, this Hon'ble Court may kindly be pleased to admit the applicant/accused on bail on furnishing personal bond before the concerned Jail Superintendent during pendency of investigation/trial, in the interest of justice.

Pass any other and further Order/Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(IN J.C.)  
Applicant/Accused  
(Beelal)

NEW DELHI  
DATED: 03.11.2020

Through

 

**A.Q. KHAN & ZEENAT KHAN**  
Advocates

E-522, Lawyers Chamber,  
Karkardooma Court Complex,  
Shahdara, Delhi-110032

Mobile No. 9871425858,9540459170  
Email Id: [adv.quadir.law@gmail.com](mailto:adv.quadir.law@gmail.com)

ADMITTED FOR FILING  
IN THE COURT OF  
JUDGE (M) AT  
DELHI  
ON 03/11/2020

**IN THE COURT OF SH. CHANDRA MOHAN LD. M.M.  
DISTRICT CENTRAL TIS HAZARI COURT COMPLEX  
,DELHI**

IN THE MATTER OF:

**STATE VERSUS BEELAL**

FIR NO. 0020/2020  
U/S 379/411IPC  
P.S. HAZRAT NIZAMUDDIN RLY STN  
IN J.C. SINCE: 27.10.2020

**AFFIDAVIT**



I, Nura S/o Sh. Himmat aged about 73 years, R/o Village Jamalgarh(156), District Mewat, Haryana-122508, do hereby solemnly affirm and declare as under:-

1. That the deponent is the Parokar who is the father of the applicant/accused.
  2. That the deponent could not get the Vakalatnama attested from the Jail Authorities due to COVID-19 Pandemic in the whole country including Delhi.
  3. That the present bail application is being on behalf of the applicant/accused through the deponent who has apprised the facts to the counsel.
4. That it is my true and correct statement.

*Alhan*  
I identify the Deponent who has signed the affidavit with my thumb impression in my presence

*Nura*  
**Deponent**

Verification: verified in Delhi on this 3<sup>rd</sup> day of November, 2020 the contents of this affidavit are true and correct and nothing material has been concealed therefrom.

03 NOV 2020

*Nura*  
**Deponent**

CERTIFIED THAT THE DEPONENT  
Sri/Smt./Km. *Nura*  
S/o, W/o, D/o, Sh. *Himmat*  
Identified by Sri/Smt. *Sh. A. Q. Khan (Adv)*  
has solemnly affirmed and declared that the contents of the affidavit which have been read over & explained to him/her are true & correct to his/her best knowledge.  
Oath Commissioner *Harsh Vardhan*  
Karkardooma Court, Delhi

From:-  
Oath Commissioner Pool,  
Karkardooma Court, Delhi

**FIRST INFORMATION REPORT**  
(Under Section 154 Cr.P.C.)

(धारा 154 दंड प्रक्रिया संहिता के तहत )

1. District (ज़िला): RAILWAYS P.S.(थाना): HAZRAT NIZAMUDDIN RLY STN Year(वर्ष): 2020 FIR No(प्र.सू.रि.सं.):0020 Date :27/10/2020
2. Act(s)(अधिनियम): Section(s)(धारा(रै)): - IPC 1860 379/411
3. Occurrence of Offence (अपराध की घटना):  
 (a) Day(दिन): TUESDAY Date From(दिनांक से): 27/10/2020 Date To(दिनांक तक): 27/10/2020  
 Time Period (समय अवधि): Time From (समय से): 04:00 hrs Time To (समय तक): 04:00 hrs  
 (b) Information received at P.S.(थाना जहाँ सूचना प्राप्त हुई): Date(दिनांक): 27/10/2020 Time (समय): 09:10 hrs  
 (c) General Diary Reference (रोजानामचा संदर्भ): Entry No.(प्रविष्टि सं.): 006A Date/Time(दिनांक/समय): 27/10/2020 10:15
4. Type of Information (सूचना का प्रकार): Written
5. Place of Occurrence (घटनास्थल):  
 (a) Direction and Distance from P.S (थाना से दूरी और दिशा): SOUTH, 12 Km(s) Beat No(बीट सं.): 19  
 (b) Address(पता): ,RUNNING TRAIN 02181, JABALPUR  
 (c) In case, Outside the limit of the Police Station (यदि थाना सीमा के बाहर हैं):  
 Name of P.S(थाना का नाम): District(ज़िला):
6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):  
 (a) Name(नाम): UMESH KUMAR MISHRA (S/O) RAM NARESH MISHRA  
 (b) Date/Year of Birth (जन्म तिथि /वर्ष): 1992 Nationality (राष्ट्रीयता): INDIA  
 (c) Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि): Place of Issue (जारी करने का स्थान):  
 (d) Occupation (व्यवसाय):  
 (e) Address(पता): VILLAGE-BADKHEDA PORT-OBRA, TALA, CHANDIA, UMARIYA, MADHYA PRADESH, INDIA, 8810287157,
7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary)(जात/ संदिग्ध /अजात अभियुक्त का का पुरे विवरण सहित वर्णन):  
 - BILAL (S/O) NURA  
 (R/O) VILLAGE NAKANPUR BISRU ROAD, NUH, MEWAT, HARYANA, INDIA
8. Reason for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):  
 NO DELAY
9. Particulars of the properties stolen/involved (attach separate sheet if necessary):
- | Sl.No. (क्र.सं.) | Property Type(Description)                         | Est. Value(Rs.)(मूल्य (रु में)) |
|------------------|--|---------------------------------|
| 1                | ELECTRICAL AND ELECTRONIC GOODS(ONE MOBILE PHONE ) | -                               |

10. Total value of property stolen (चोरी हुई सम्पत्ति का कुल मूल्य): -

11. Inquest Report / U.D. Case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण नं., यदि कोई हो):

12. F.I.R. Contents (attach separate sheet, if required)(प्रथम सूचना रिपोर्ट तथ्य):

ब्यान अजाने Umesh Kumar Mishra S/O Ram Naresh Mishra R/O Village. Badkheda port-Obra tala, PS Chandiya, Distt-Umariya, MP Age-28 Years, Ph-8810287157. ब्यान किया की मै पता उपरोक्त पर सहपरिवार रहता हूँ। और दिल्ली में Reshala Center PVT. LTD Govindpuri में गार्ड की नौकरी करता हूँ आज मैं कटनी से हजरत निजामुद्दीन रेलवे स्टेशन के लिये यात्रा कर रहा था। जबलपुर हजरत निजामुद्दीन Train में S-9 कोच में 72 सीट थी। समय करीब 4 बजे सुबह जब Train फरीदाबाद हजरत निजामुद्दीन के बीच चल रही थी तो मैं अपनी सीट पर लेट रहा था एक लडका मेरे पास आया और मेरा फोन चोरी करके ले जाने लगा जिसे मैंने अवाज लगा कर Train में मौजूद RPF Staff की मदद से पकड़ा और पकड़े गये लडके की तलाशी लेने पर मेरा मोबाइल फोन Samsung रंग Golden उस लडके से बरामद हुआ। पकड़े गये लडके का नाम पता बाद पूछताछ बिलाल S/O नूरा R/O गाँव नाकनपुर बिसरू रोड थाना पुहाना जिला नूहर (हरियाणा) Age 32 साल मालूम चला जिसको मैंने हजरत निजामुद्दीन रेलवे स्टेशन पर उतरकर RPF Staff की मदद से चोरी शुदा मोबाइल फोन आपके हवाले किया आपने पकड़े गये लडके से पूछताछ की और बरामद मेरे चोरी शुदा मोबाइल फोन को फर्द बनाकर कब्जा पुलिस में लिया। पकड़े गये उपरोक्त लडके के खिलाफ कानूनी कार्यवाही की जावे आपने मेरा ब्यान लिखा, जो पढ लिया, समझ लिया ठीक है। Sd English Attested by Sd Hindi ASI Ramniwas No 5502/D PS HNRS Dt 27/10/2020 श्रीमान जी DO साहब बकार सरकार निवेदन है कि इस रोज मन ASI मय CT Deepak No 372/Rly थाना हजा में मौजूद था की शिकायतकर्ता उपरोक्त ने मय RPF Staff CT LalSagar, Ct Ombir Singh व Ct Manender Singh RPF Post Agra UP अपने साथ काबू किये शकश बिलाल उपरोक्त को मय चोरी शुदा Mobile Phone Samsung बरंग Golden मेरे हवाले किया मन ASI ने बरामद फोन को बर्वे फर्द कब्जा पुलिस ले लिया और शिकायतकर्ता ने अपने उपरोक्त ब्यान तहरीर कराये जो बयान बाला से, हालात से व बरामदगी सामान से मामला सरदेस्त सुरत जर्म U/S 379/411 IPC का होना पाया जाता है लिहाजा तहरीर हजा मुकदमा दर पेश है। मन ASI मय व CT Deepak मय मुद्दई थाना में तपतीश वा मसरूफ हूँ। ता० वक्त वक्तुआ 4.00AM Dt 27.10.20 जाय घटना स्थल -Running train 02181, Jabalpur Exp. ता० वक्त दर पेशगी तहरीर 27/10/2020 time-9.10 Sd Hindi ASI Ramniwas No 5502/D PS HNRS 27/10/2020. कार्यवाही पुलिस इस समय Ramniwas ने DO Room उपस्थित आकर एक लिखित ब्यान Hindi Regarding Theft of Mobile Phone, बाद करके Endorsement DO को पेश की, जिस पर स्वयं DO ने FIR No. 20/2020 U/S 379/411 IPC का Computer Register करके अग्रिम कार्यवाही के लिए Original Complaint मय FIR Copy ASI Ramniwas को प्रदान की गई, FIR की प्रतिया डाक द्वारा Senior Officers को भिजवाई जायेगी।

13. Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि किया गया अपराध मद सं.2.में उल्लेख धारा के तहत है):

(i) Registered the case and took up the investigation:

OR (या)

(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(ii) Directed (Name of the I.O.)(जांच अधिकारी का नाम): RAM NIWAS

Rank (पद):

ASST. SI (ASSISTANT SUB-INSPECTOR)

No(सं.): 28900404

to take up the investigation (को जांच आपने पास में लेने के लिए निर्देश दिया गया) OR(या)

(iii) Refused investigation due to(जांच के लिए):

OR (के कारण इंकार किया या)

(iv) Transferred to P.S(name)(थाना):

District(ज़िला):

on point of Jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost : (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी) :

R.O.A.C.(आर.ओ.ए.सी.):

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District : RAILWAYS

P.S: HAZRAT NIZAMUDDIN RLY STN

Year: 2020

FIR No: 0020

Date: 27/10/2020

**14. Signature / Thumb Impression  
of the Complainant / Informant:**

(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

**Signature of Officer**

Name(नाम): DINESH CHAND

Rank (पद): HC (HEAD CONSTABLE)

No.(सं.): 28040201

**15. Date and Time of despatch to the court:**

(अदालत में प्रेषण की दिनांक और समय):

J/C

IN THE COURT OF Sh. Chandra Mohan, Cd. M.M, THC, Delhi

Suit / Appeal No. \_\_\_\_\_ JURISDICTION of 2020

In re :- State

Plaintiff (s) or Petitioner(s)  
Appellant(s) or Complainant(s)

**VERSUS**

Beelal Defendant(s) / Respondent(s) / Accused

KNOW ALL to whom these present shall come that I / We Nura s/o Himmat  
aged about 73 yrs. (Parokar), R/o Village Jandgash (156), Newad, Haryana

The above named Applicant / Parokar do hereby appoint

ABDUL QUADIR KHAN  
E. No. D/852/03 Advocate  
DELHI HIGH COURT  
E-522, Lawyers Chambers  
Kardardooma Court, Delhi-110032  
Mobile No. 9571425853

ZEENAT KHAN  
(Advocate)  
E.No. D-1094/D/01, C.No. G-137  
Kardardooma Court, Delhi-110032  
Mobile No. 9540459170

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorize him/them:-

To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents or opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, case and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I / We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own facts, as if done by me/us to all intents and purpose.

And I/We undertake that I / We or my/our duly authorised agent would appear in court and all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us

IN WITNESS WHERE OF I /We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this ..... 3rd day  
Of..... November ..... 2020

Accepted subject to the terms of the fees

Abdul Quadir Khan  
Advocate

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Client  
(Nura s/o Himmat)  
I identify the Signature/Thumb Impression of the Client  
Who has signed in my presence

(Signature of Parokar)

**Praba Vs Neeraj & Ors.**  
**Case No.10838/19**  
**PS : Sarai Rohilla**

03.11.2020

**(Through Video Conferencing)**

**Order on Application U/s 156(3) Cr.P.C**

Present: Counsel for complainant.

Present order shall dispose of an application U/s 156(3) Cr.P.C filed by the complainant which is also accompanied by a complaint.

I have heard ld counsel for the complainant and perused the status report.

It nutshell the case of the complainant is that since she was in search of a property therefore, she and her husband approached accused no 3 and 4 who were doing work of property dealer under the name and style of Garg Properties . They were shown one property bearing No B 1629 in Shastri Nagar and they were also told by accused no 1 and 2 that accused No.1 Neeraj Kumar was its owner. After negotiation and agreement to sell was signed between accused Neeraj and the complainant and sum of Rs.2,50,000/- was paid as a bayana to Neeraj Kumar. Sometime was taken by the complainant for arranging loan which accused no.2 promised to get arranged from some bank . It is further averred in the complaint that in the last week of July 2019, one relative of complainant asked him to show the said flat. She took her relative to the said flat at ground floor and one lady opened the door and asked a bout the reason of coming. Complainant narrated her that she has visited there

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to show the said flat to her relative but she got surprised and asked her that as to who permitted her to show her flat to any person then complainant stated that she is going to purchase the flat and in this regard she had paid the byana amount alongwith the other amount as mentioned above to her husband namely Neeraj Kumar i.e. accused no.1 and also got executed the agreement to sell with him as well. Listening this she got again surprised and stated that she is not the wife of Neeraj Kumar and even she does not know any Neeraj Kumar because her husband's name is Ram Babu Gosai, who is the actual owner of the said flat. As per the complainant she has made several requests to the accused to return her earnest money but instead of returning the same she has been extended threats to kill her and her husband .

Action taken report was called from PS Sarai Rohilla.

As per the report of IO, during the inquiry property documents were obtained and on inquiry it was found that the actual owner of the property bearing address B-1629, Shastri Nagar, Delhi is ram Babu Gosai who had purchased the same on 17.05.2012 from Madhu Tejpal W/o Jatinder Tejpal , R/o H No.104-A, Kamla Nagar, Delhi who in turn had executed an agreement to sell with Neeraj on 08.03.2019 and then Neeraj on 08.03.2019 got an agreement to sell executed with Prabha (complainant) for an earnest amount of Rs.20,50,000/- wherein the possession would be handed over to the complainant after paying full amount before 10.06.2019 and when signing the agreement Neeraj took Rs.2,50,000/- as token amount and balance amount of Rs.18,00,000/- had to be paid on or before 10.06.2019 as per the agreement but complainant failed to pay the balance amount before the fixed date and the earnest money was then forfeited by Neeraj as per the agreement. IO concluded

that complainant violated the terms of agreement by defaulting balance payment therefore no offence is made out and it is further mentioned in the report that matter is civil in nature.

I have heard counsel for the complainant and perused the report.

The main grievance of the complainant is that accused no.1 Neeraj was not the owner of the property and therefore had no right to represent himself as owner and enter into agreement to sell with him. As per the report of IO the actual owner of the property is Ram Babu Gosai . Infact, accused no.1 Neeraj had only agreement to sell in his favour . Under these circumstances accused Neeraj had no right to represent the complainant that he was the owner of the property. Accused Neeraj has specifically mentioned in agreement to sell that he is sole and absolute owner and in possession of the impugned property which prima facie is a false statement and misrepresentation induced to cheat the complainant and lure him to enter into the agreement to sell. This court is of the opinion that prima facie a cognizable offence is made out . I

In view of the above reasons, SHO PS Saria Rohilla is directed to register an FIR on the basis of the complaint annexed with the present application u/s 156(3) Cr.P.C.

SHO PS Sarai Rohilla is directed to file compliance report.

Compliance report be filed on 05.11.2020.

**CHANDER MOHAN**  
(Chander Mohan)  
MM-04/Central:  
Delhi/03.11.2020

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