

Criminal Writ Petition No. 573 (M/B) of 2001

Ved Prakash Arora Petitioner

Versus

Smt. Rahiman Bai Guddi
and Two others. Respondents.

Hon'ble A.A.Desai,C.J.

Hon'ble P.C.Verma,J.

(Delivered by Hon'ble P.C.Verma,J.)

This petition has been filed by the petitioner seeking direction to command the respondent No. 3 not to arrest him in Crime Case No. RC-2 (A)/2001 DAD mentioned in the First information Report dated 28.02.2001 lodged by respondent No. 1

The respondent No. 1- Rahiman Bai Guddi lodged a complaint. The matter was entrusted for investigation to the Central Bureau of Investigation. It is reported that the High Court of Delhi directed C.B.I. to make preliminary inquiry. The report of the preliminary inquiry indicted Ved Prakash Arora as one of the persons who was part of conspiracy under Section 120-B of the Indian Penal Code and other cognizable offences. The F.I.R. is challenged in the instant petition merely on the ground that it does not disclose the offences against the petitioner. Furthermore, there is civil litigation pending between the petitioner and the complainant- respondent No. 1 in the courts of competent jurisdiction and in civil dispute no separate F.I.R. is maintainable. Therefore, submission of learned counsel for the petitioner is that the F.I.R. as lodged cannot be sustained as against the petitioner.

It is reported that the petitioner Ved Prakash Arora has actively connived with one Smt. Kulwant kaur Sidhu and the Revenue Officials

in order to grab the trespass over the land of the complainant. During the course of preliminary inquiry, it is revealed to the C.B.I. that the petitioner alongwith other co-accused entered into a criminal conspiracy with Smt. Kulwant Kaur Sidhu and others with the object to cheat the complainant- Smt. Rahiman Bai Guddi on the basis of forged and fabricated documents and dishonestly got transferred the land possessed by the complainant. It was further reported that the inquiry report was challenged in the Supreme Court by the main accused Smt. Kulwant Kaur Sidhu. However, the said Special Leave petition was rejected. The matter is pending for further investigation. As discussed, the petitioner was indicted in the preliminary inquiry. The F.I.R., contained IN Annexure No. I to the writ petition, discloses the offences against the petitioner. It is neither appropriate nor just to quash the F.I.R. or to interfere with the investigation.

We, therefore, dismiss the petition.

(P.C.Verma,J.)

(A.A.Desai,C.J.)

Dt . 28.09.2002

P.Singh