

CT Cases 909/2023
LALIT KUMAR MEHTA Vs. BIJANDER @
VIJENDER KUMAR DEMI WAL AND ORS.
PS Malviya Nagar

03.05.2025

Present: Ld. Counsel for the complainant.

ORDER ON SUMMONING

01. The case of the complainant as per his pre-summoning evidence is that he purchased first floor measuring 30 sq. yards in Khasra No. 548/135 H. No. 119 (left side) from Vijender Kumar Demiwal on 31.07.2021 and he also purchased 90 sq. yard of the same first floor from Vijender Kumar Demiwal. As per the complainant the first floor was in his possession and one portion of it was occupied by his mother which is 30 sq. yard and other 90 sq. yard was given on rent to the tenant. Complainant has alleged that on 17.07.2023 the accused Pinki Demiwal W/o Vijender Kumar Demiwal along with local gunda came to his first floor and took unauthorized possession of 90 sq. yards. The same allegation was reiterated by CW4 Raj Kumari who stated in her pre-summoning evidence that on 17.07.2023 at about 08:00 PM, Pinki Demiwal with the help of 05-06 local gundas came to their rented flat and forcibly occupied the property measuring 90 sq. yards.

02. Therefore on perusal of record this Court is of the view that the present complaint filed by the complainant prima facie discloses the commission of offence u/s 448 of IPC by accused Pinki Demiwal.

03. CW1 has also alleged that he came to know recently that the first floor which was sold to him was already mortgaged to Karamvir Singh and Mukesh Chhabra on 14.12.2020. However, CW1 has failed to examine Karamvir Singh or Mukesh Chhabra in order to support his allegation. Therefore, this Court is of the view that prima facie no offence has been committed by alleged Vijender Kumar Demiwal in the present case as the complainant has failed to examine Mukesh Chhabra or Karamvir Singh in support of his allegation.

04. Therefore, on basis of the material available on record, the Court hereby takes cognizance of the offence u/s 448 of IPC only. Accused Pinki Demiwal only be summoned for the offence u/s 448 of IPC through SHO concerned for NDOH on filing of PF within 15 days from today.

Put up for appearance of accused Pinki Demiwal on 13.08.2025.

Copy of this order be given dasti to the complainant.

Announced in open Court
on 03.05.2025.

(BHANU PRATAP SINGH)
JMFC-02(South)/Saket Courts
New Delhi/03.05.2025