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

+ CRL.M.C. 6696/2025

MRS RITA SEHGAL & ORS.

.....Petitioners

Through: Mr. Tanmaya Mehta, Mr. Karan Nagrath, Ms. Rashmi Gogai, Mr. Ambuj Tiwari and Mr. Aryan Bhardwaj, Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the State with ASI Sukhvir Sharma, P.S. NFC. Mr. Deepak Tyagi, Ms Somya Tyagi, Advs. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **19.09.2025**

CRL.M.A. 28192/2025 & CRL.M.A. 28193/2025 EXEMP

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

CRL.M.C. 6696/2025 & CRL.M.A. 28191/2025- STAY

1. Petitioners, widow daughter in law (a senior citizen) and two grand children of the deceased owner of the property under dispute, herein seek quashing of FIR No. 386/2025 dated 03.09.2025 under Section(s) 329(4)/331(1) of Bharatiya Nyaya Sanhita, 2023 lodged in P.S. New Friends Colony and the consequential proceedings arising therefrom, being an abuse of the process of law.
2. Learned counsel for the petitioners would submit that the property in



question was purchased by the mother of her deceased husband of petitioner no.1 *vide* a perpetual lease deed dated 24.09.1973 executed in her favour by the DDA and she alongwith her family members have been in possession of the premises in question ever since.

3. The complainant on the other hand, claims to be in possession of the first floor of the property by virtue of an Agreement to Sell dated 05.05.2003 coupled with the Will of the erstwhile vendor of the property in his favour.

4. Be that as it may, petitioners' counsel would submit that it is an outright civil dispute which is being given colour of criminal culpability in complete abuse of the criminal machinery.

5. Issue notice.

6. Learned APP for the State and Mr. Deepak Tyagi accept notice on behalf of respondent no. 1 and respondent no.2, respectively. They seek and are granted time to file their respective response.

7. Learned counsel for the petitioners seek interim protection in the meanwhile.

8. However, learned counsel for respondent No.2 would rely on *Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Ors. AIR 2021 SC 1918* to argue that no such order be passed at this stage.

9. Heard.

10. I am of the view that the prosecution ought to be fully mindful of the judgment rendered in *Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273* and therefore it is expected of them to strictly follow the guidelines enunciated therein. Moreover, it transpires that the petitioner no.1 a widow and a senior citizen and, therefore, the prosecution, in any case, ought to be extra cautious.



11. List on 27.11.2025.
12. In the meanwhile, subject to the petitioners joining investigation, no coercive steps shall be taken against the petitioners.

ARUN MONGA, J

SEPTEMBER 19, 2025/ acm