

Swati Gupta Vs. Govt of NCT of Delhi.
Case No. 2682/2021
PS : Sarai Rohilla

09.03.2022

Present: Counsel for complainant.

The present application has been filed by the complainant against her mother-in-law and sister-in-law namely alleged no. 1 and 2.

It is further the case of the complainant that her husband Kunal Gupta and father-in-law Ashok Gupta passed away on 14-05-2021 and 27.04.2021 respectively due to Covid-19. That after both the deaths, both the alleged persons in connivance with each other procured surviving member certificate from the Revenue Department, Government of NCT of Delhi by concealing vital information that the complainant and her son are also one of the legal heir of the deceased that is her father-in-law Ashok Gupta. That thereafter the alleged persons also threw the complainant out of her matrimonial home. That it is the conspiracy of the alleged persons to oust the complainant of her legal right as legal heir of her deceased husband and father-in-law. Counsel for complainant has also submitted that unlike stated in the ATR complainant has not arrived at any settlement with the alleged persons. That the complaint had reported the present facts to PS Sarai Rohilla as well as to the DCP concerned however to avail, hence the present application.

Counsel for complainant has relied on various judgments namely M/s Hero Fincorp Vs. State NCT of Delhi, Paradise Credit Pvt Ltd Vs. State and Rajesh Bajaj Vs. State, all judgments of Hon'ble High Court of Delhi.

On filing of the present application ATR from PS Sarai Rohilla was called through which SI Vikas. Tomar. Wherein, it has been stated that a parallel proceedings is also going on before Hon'ble High Court of Delhi namely Usha Gupta Vs. Swati Gupta and that both the party are in the course of arriving at the settlement. Other than this, the enquiry officer has not reported anything with respect to the present complaint.

Heard.

On perusing the entire application and the documents annexed with it prima facie it does appear that the surviving member certificate was issued to alleged no. 1 & 2 without taking into account the rights and entitlement of the complainant and her son. Such surviving member certificate categorically states that alleged no. 1 & 2 are the only legal heir of deceased Sh. Ashok Gupta. Prima facie commission of a cognizable offence seems to be made out, which requires investigation for reasons stated above.

Accordingly, SHO Sarai Rohilla is directed to register an FIR on the facts of the present application within a span of 3 days.

Put up for compliance of this order on 14.03.2022.

(Charu Asawal)
MM-04/Central:
Delhi/09.03.2022