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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: 7th July , 2010

W.P. (Crl.) 155/2008

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SHRI NAVEEN KUMAR PEER

Through: Mr. Hitender Kapur, Advocate

07.07.2010

... Petitioner

Versus

GOVT. OF NATIONAL CAPITAL

TERRITORY OF DELHI AND OTHERS

...Respondents

Through: Mr. Pawan Sharma, Standing Counsel with Mr. Sushil Sharma,
APP

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORAL

1. Present petition has been filed by the petitioner under Article 226 of Constitution of India read with section 482 Cr. P.C. seeking directions for transfer of investigation in FIR No. 357/2006, P.S. Tilak Marg, under section 403/406/408/420 IPC.
2. The petitioner is complainant in the above FIR and it is submitted by the petitioner that he has lost faith in Delhi Police as they have failed to complete the investigation in more than one year and the Investigating Officer, who was investigating the case, was not competent enough to investigate the matter as he did not had expertise. The officer was acting in lethargic manner and it could not

be expected that he could do a fair investigation. It was also submitted that the documents were not sent for opinion to FSL by the Investigating Officer.

3. Status reports about the investigating of the case were filed in this case from time to time. The first status report is of 21st July, 2007, second of 17th March, 2008, third of 30th April, 2009, 4th of 18th January, 2010 and the 5th of 9th April, 2010. From these status reports it is evident that the case involved intensive investigation and the investigation was being carried by Delhi Police in accordance with law. In the final status report it was submitted that the charge-sheet against accused Ajay Bhatnagar has already been filed on 5th March, 2010. Accused Ajay Bhatnagar was arrested on 5th January, 2010. Other accused persons were absconding and were not available at their residence. Efforts were being made to arrest the other accused persons & NBWs of accused persons had been obtained from the court of MM. FSL report and report of a Chartered Accountant has also been received by the police. Subsequent charge-sheet would be filed against other accused persons after collecting further evidence.

4. As the investigation in this case has already been completed in respect of one of the accused with charge-sheet filed and further investigation was being carried, I find no reason to keep this petition pending. It is not appropriate to transfer the investigation as the substantial investigation has already been done. The petition is hereby dismissed.

July 07, 2010
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SHIV NARAYAN DHINGRA J.