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

+ **W.P.(CRL) 705/2016**

RAJENDER TYAGI

..... Petitioner

Through: Mr.Mani Kumar, Advocate.

versus

STATE NCT OF DELHI & ANR

..... Respondent

Through: Mr.R.S.Kundu, A.S.C. for the State
with Mr.Ankit Kr. Gulia, Adv. with
SI Puneet Grewal, PS Swaroop Ngr.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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26.04.2016

CRL.M.A.3987/2016

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

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1. The petitioner has invoked the extra ordinary jurisdiction of this under Article 226 of the Constitution of India with the following prayers:

(i) To pass a writ/order/instruction in favour of the petitioner and against the respondents in the nature of prohibition thereby prohibiting respondents from issuing any notices under Section 160 Cr.P.C. and 175 Cr.P.C. in FIR No. 241/2013, under Sections 420/467/468/471/506/34 IPC, Police Station Swaroop Nagar, Delhi upon the petitioner.

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(ii) To pass a writ/order/instruction in favour of the petitioner and against the respondents in the nature of certiorari thereby quashing all the notices under Section 160 Cr.P.C. and 175 Cr.P.C. in FIR No. 241/2013, under Sections 420/467/468/471/506/34 IPC, Police Station Swaroop Nagar, Delhi upon the petitioner.

(iii) To pass a writ/order/instruction in favour of the petitioner and against the respondents in the nature of prohibition thereby prohibiting the respondents from moving the application for cancellation of bail of the petitioner in FIR No. 241/2013, under Sections 420/467/468/471/506/34 IPC, Police Station Swaroop Nagar, Delhi or taking any steps for cancellation of bail of the petitioner.

(iv) To pass a writ/order/instruction in favour of the petitioner and against the respondents in the nature of prohibition thereby prohibiting the Learned ASJ from entertaining the application for cancellation of bail of the petitioner.

2. The investigating agency is vested with the power under Section 160 CrPC to require attendance of witnesses and thus, the petitioner cannot have any grievance if notices have been served upon him requiring him to join the investigation.

3. Similarly if the complainant/State have any ground for seeking cancellation of bail, the statutory right vested in the complainant/investigating agency cannot be curtailed nor there can be any writ of prohibition prohibiting the concerned Court from entertaining such application which the Court is duty bound to entertain.

4. The prayers made in the writ petition have the effect of interfering with the right of the investigating agency to investigate and statutory

right of the complainant and the Court.

5. There cannot be any restraint order of the nature sought for by the petitioner in this writ petition.

6. The writ petition is hereby dismissed.

CrI. M.A. 3986/2016

Dismissed.

PRATIBHA RANI, J.

APRIL 26, 2016

'st'