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

+ **W.P.(CRL) 1126/2016 and Crl. MA No. 5869/2016**

NIDHI SINGH & ORS.

..... Petitioners

Through

Ms. Usha Pandey and Mr. Abhishek
Pathak, Advocates

versus

THE COMMISSIONER OF POLICE & ORS.

..... Respondents

Through

Mr. Rajesh Mahajan, ASC (Crl.) with
Ms. Parul Jamwal, Advocate
SI Rajvir Singh, PS EOW
Mr. Pradeep Kumar Arya, Adv. for Resp.
Nos. 10 & 11
Mr. Shikhar Kumar and Mr. Desh Raj,
Advocates for Resp. No. 4
Ms. Praveen Gautam, Adv. for R-6
Mr. Samarendra Kumar, Adv. for R-8

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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09.05.2016

W.P.(CRL) 1126/2016 and Crl. MA No. 5869/2016 (Stay)

The present is a petition under Article 226 of the Constitution of India praying as follows:-

“a) Issue a writ, rule, order or direction in the nature of mandamus directing the respondent no. 1 to lodge an FIR and transfer the investigation to respondent no. 3 i.e. CBI for the scam committed by the respondent-builder and the respondent-banks in collusion with each other.

b) Issue a writ, rule, order or direction in the nature of mandamus directing the respondent-banks to recover their dues with regard to the loans extended by them to the petitioners from the assets of the builder;

c) Issue a writ, rule, order or direction in the nature of mandamus directing the respondent-builder to either give possession of the flats sold to the petitioners or at least pay

the dues of the banks with regard to loans obtained in the name of the petitioners for purchase of flats in question.

d) Pass such further order/orders, as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

On the last date of hearing i.e. 6th April, 2016, this Court has passed the following order:-

"W.P.(CRL) 1126/2016 & CRL.M.A. 5869/2016

Mr Pathak, learned counsel appearing on behalf of the petitioners, limits the relief in the present petition to a direction to the Commissioner of Police, Delhi, to register an FIR into the cognizable offences committed by respondent Nos.4 to 11 as detailed in their complaint dated 29.01.2016 to the Economic Offences Wing, Mandir Marg, New Delhi.

Issue notice. Mr Mahajan, learned Additional Standing Counsel (Crl.), accepts notice and prays for time to file a reply.

Let the counter affidavit be filed within a period of two weeks from today with an advance copy to counsel for the petitioners, who may file rejoinder thereto, if any, before the next date of hearing.

Let notice now issue to respondent Nos.4 to 11 by all permitted modes on the petitioners taking necessary steps within one week, returnable on 09.05.2016.

Counsel appearing on behalf of the petitioners seeks leave to delete the Central Bureau of Investigation, respondent No.3 herein, from the array of parties.

Leave granted. Amended memo of parties be filed within a period of one week from today."

Mr. Rajesh Mahajan, learned ASC (Crl.) appearing on behalf of the official respondent, invites my attention to the circumstance that the FIR into the alleged commission of cognizable offence by respondent nos. 4 to 11, at the instance of the petitioners, has been registered.

Since the only relief as prayed for in the present petition has been satisfied, the same has been rendered infructuous and is disposed of accordingly.

Pending application also stands disposed of.

SIDDHARTH MRIDUL, J

MAY 09, 2016

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