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

DECIDED ON : 26th JULY, 2016

+ **W.P.(CRL) 1662/2016**

RENU JISSI SODHI

..... Petitioner

Through : Mr.Mohit Chaudhary, Advocate with
Mr.Imran Ali, Advocate.

versus

STATE NCT OF DELHI & ORS. Respondents

Through : Ms.Richa Kapoor, ASC with
Ms.Seema, Advocate.
Insp.Satinder Sangwan & SI Arvind,
PS Hauz Khas.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present writ petition has been preferred by the petitioner under Articles 226 and 227 of the Constitution of India read with Section 482 Cr.P.C. for transfer of the investigation in case FIR No.496/2015, Police Station Hauz Khas to Crime Branch/ DIU or any other Investigating Agency. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Learned counsel for the petitioner urged that the investigation in the case has not been carried out in a fair manner. Conflicting status reports have been filed before the Courts by the

Investigating Agency. Due to certain pressure from Senior Officers, closure report in the case is likely to be filed.

3. Status report reveals that there are various civil litigations pending between the parties. The petitioner has filed CS(OS) No.1325/2015 against Harinder Singh Gujral and others. Harinder Singh Gujral has also filed a suit for declaration and injunction before this Court against the petitioner and others being CS (OS) No.1593/2015. The parties have been directed to maintain status quo in respect of the suit properties. It is informed that primarily the dispute is over the suit property which has worth in crores. It further discloses that statements of various witnesses have been recorded. The investigation is complete. Allegations in the statement under Section 164 Cr.P.C. could not be substantiated.

4. The FIR in question was lodged on 11.05.2015 under Sections 341/323/506/509/34 IPC. After recording the victim's statement under Section 164 Cr.P.C., Sections 354/354B IPC were added. The accused Harinder Singh Gujral joined the investigation. At no stage prior to filing the instant writ petition on 20.05.2016, the petitioner lodged any complaint against the Investigating Agency for not conducting the investigation in a fair manner. When the Investigating Agency after completion of the investigation has come to the conclusion that the allegations could not be substantiated and closure report is to be filed in the Court, the instant petition for change of Investigating Agency has been filed.

5. The petitioner can have its remedy to file protest petition in case the Investigating Agency chooses to file a closure / cancellation report in the said FIR. Of course, the said protest petition will be decided by the concerned Court on merits.

6. Since the investigation is complete, no change of Investigating Agency is called for. The petition lacks merits and is dismissed.

7. Observations in the order shall have no impact on the merits of the case.

(S.P.GARG)
JUDGE

JULY 26, 2016 / *tr*

