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

+ W.P.(CRL) 2109/2015 & CRL.M.A.13968/2015

YOGESH VERMA

..... Petitioner

Through: Mr. Sunil Prasad, Adv.
versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Ms.Nandita Rao, A.S.C. for the State
with Ms Neha Dhir, Adv.
SI Uttam Kumar, PS Paharganj

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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29.03.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioner has made the following prayers:-

(a) To issue a writ, order or direction in the nature of writ of mandamus thereby declaring the act of the officials of the respondent no.2 as well as respondent no.3 as illegal and malafide to register an FIR bearing no.203/2012 and implead the present petitioner and his family members and the same is illegal, arbitrary, null and void in the interest of justice.

(b) To issue a writ, order or direction in the nature of writ of mandamus thereby directed the representative of respondent no.2 as well as respondent no.3 to comply the orders dated 31.07.2013 and 07.05.2014 to take action against respondent no.4 and 5 and also directed to concerned DCP/concerned authority to take appropriate action against the respondent no.3.

2. Since the prayer clause made by the petitioner was ambiguous as on 11.12.2015 learned counsel for the petitioner sought adjournment to modify the prayer. However, needful has not been done till date.

3. Heard.

4. Learned counsel for the petitioner has referred to the order dated 31.07.2013 whereby while granting anticipatory bail to the petitioner following observations have been made:-

“Though IO had categorically stated that it is a criminal case yet it appears that the matter is civil in nature in regard to the property in question. When the property had not been stolen and false FIR has been lodged in respect to the stolen property then IO must initiated the action against the complainant either U/S 182 of IPC or U/s 2. (1) IPC.”

5. Any observations made by Ld. ASJ while granting the anticipatory bail, is not finding on merit. Charge sheet in the instant case has already been filed on 11.12.2015 and the trial is going on.

6. Thus, the prayer of the petitioner that the FIR no.203/12 has been illegally registered against him and his family members is a subject matter of the trial.

7. Another prayer made in the petition is also not sustainable in this writ petition for the reason that if any direction was issued by the Court, it was for that Court to seek enforcement of the said direction and not for this Court to issue any fresh direction in the matter.

8. Present writ petition is dismissed.

PRATIBHA RANI, J.

MARCH 29, 2016

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