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

+ TR.P.(CRL.) 7/2017

PRAVEEN GUPTA & ANR Petitioners

Through: Mr.Rohit Shankar, Advocate

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Tarang Srivastava, APP for the
State.

Insp. Bhagwan Singh, EOW.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **17.04.2017**

The petitioners had filed complaint case no.88713/2016 in the court of Chief Metropolitan Magistrate, South-East District and pursuant to the order passed by the said court under Section 156 (3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) the Economic Offences Wing (EOW) of Delhi Police registered first information report (FIR) No.140/2014 on 8.12.2014.

It appears allegations have been made in the said FIR constituting offences punishable under Sections 406/407/415/420/467/468/471/109/120-B/34 IPC against several individuals they having been described in the FIR as Ashok Singh, Vikash Saxena Dy. GM, M/s. Eros Resorts & Hotels Pvt. Ltd., Mr. Satish Sood, Director, Gurbinder Singh Ex GM, Sumit Sood, Director, Mr. S.K. Gupta, Mr. Raman Sood, Mr. Vijay Kapoor and Mr. Amit Rai Sood, Director. It further appears that the police after investigation has filed the investigation report seeking cancellation or closure of the FIR which is pending consideration in the court of Additional Chief Metropolitan Magistrate (ACMM), South-East at Saket Court Complex, New Delhi.

It also appears that another person named Veer Pal Singh had similarly filed another complaint case No.8/1/C of 2014 which also appears

to have resulted in FIR No.80/2014 of the Police Station EOW, New Delhi being registered similar for offences punishable under Sections 406/407/415/420/467/468/471/109/120-B/34 IPC against several individuals they having been mentioned in the FIR as Mr. Sumit Sood, Director, M/s. Eros Resorts & Hotels Pvt. Ltd., Mr. Amit Rai Sood, Director, Mr. Satish Sood, Director and Mr. Raman Sood, Director. The investigation into the said FIR is also stated to have been resulted in similar cancellation report having been submitted which is presently pending consideration before Additional Chief Metropolitan Magistrate (ACMM) (South), also at Saket Court Complex, New Delhi.

In the given facts and circumstances, no notice to the proposed accused is required in these proceedings. The State though Additional Public Prosecutor leaves the matter to the discretion of the court.

Since some of the accused persons mentioned in the two cases are common, the factual matrix also being similar, it appears just and proper that the protest petition filed by the applicant is also heard along side the cancellation reports in both the cases.

Therefore, the matter arising out the cancellation report filed pursuant to the investigation into FIR No.140/2014 of Police Station EOW, New Delhi, pending consideration in the court of ACMM (South-East) at Saket Court Complex, New Delhi, is transferred to the court of ACMM (South) at Saket Court Complex, New Delhi where similarly placed matter arising out of FIR No.80/2014, Police Station EOW, New Delhi is already pending.

The file shall be made over to the transferee court well in time. Both the courts shall be suitably informed.

The application stands disposed of accordingly.