

\$~29.

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

+ W.P.(CRL) 467/2017 and CrI.M.A. No. 2616/2017

DHARMENDER SINGH

..... Petitioner

Through: Mr. J.P.Sengh, Sr. Advocate with M/s
Rajeev Kumar, Sana Ansari &
Manisha Mehta, Advocates

versus

STATE & ORS.

..... Respondent

Through: Ms. Nandita Rao, ASC with SI
Mahendra

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

%

14.02.2017

Issue notice. Ms. Rao, accepts notice.

This petition has been preferred by the petitioner to seek a direction that the investigation in case FIR No. 331 of 2016 registered under Section 409/34 IPC at police station Subzi Mandi, Delhi, be transferred either to the CBI or to the police officials not below the rank of Joint Commissioner, Crime Branch, or some other police officials not below the rank of Joint Commissioner in Delhi Police.

According to the petitioner, in relation to a civil dispute, the uncle of the petitioner had tendered his original title documents to the police for

forensic examination. This had been done in pursuance of an order of this court dated 22.03.2011, passed in CS(OS) No. 1511/1991, whereby the court had directed the Commissioner of Police to nominate an officer not below the rank of an Assistant Commissioner of Police in Crime Branch of Delhi Police to make an inquiry/investigation and to report to the Court as to whether any, and if so who, from out of these three sets of persons are/were the owners of agricultural land, subject matter of the suits. The Court had further directed that the nominated police officer shall work under the direct supervision of the concerned Special Commissioner Incharge of the Crime Branch of Delhi Police who was required to submit his report to the Court at the earliest.

However, the said documents were allegedly misplaced by the accused in the aforesaid FIR, and on the complaint of the petitioner, the said FIR came to be registered, including against ACP Mr. T.P.Singh (since retired), SI Dhan Singh (since retired), and Mr. Kundan, who is now additional SHO, PS Mehrauli.

The submission of the petitioner is that since a retired ACP of Delhi Police, as well as other retired and serving police officials are involved, the investigation in the said case is apprehended to be ineffective, unless it is assigned either to an independent agency or to a relatively senior officer of the rank of Joint Commissioner in Delhi Police.

Ms. Rao submits that presently the investigating officer in case FIR No. 331/2016 is SI Mahender, PS Subzi Mandi and considering the fact that the accused in this case includes a retired ACP, a retired Sub Inspector, and a serving Additional SHO, the present I.O., who is present, has no objection to the prayer in the petition being granted.

Accordingly, the petition is allowed. The investigation in the case FIR No. 331/2016 registered under Section 409/34 IPC at police station Subzi Mandi, stands transferred to the Crime Branch, Delhi Police, to be investigated by an officer not below the rank of Joint Commissioner.

The petition stands disposed of in the above terms.

VIPIN SANGHI, J

FEBRUARY 14, 2017

sl