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

+ TR.P.(CRL.) 27/2016 and Crl. M.A. Nos. 8246/2016 & 7753/2016

AJAY KHURANA & ANR

..... Petitioners

Through: Mr. J.P. Singh and Ms. Amrita Joshi,
Advocate

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Tarang Srivastava, APP with SI
Madhurendra Kumar, EOW for R-1/State
Mr. Kuldeep Vashisth, Adv. for R-7

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.05.2017

On separate complaints of different parties, three cases were registered by police, they being: FIR nos.112/2010 and 14/2012, both registered in police station Economic Offences Wing (EOW) and FIR no.388/2014 in police station Amar Colony. It appears allegations in the said FIRs are made against second to seventh respondent herein. It further appears that the petitioners herein having also been aggrieved, their grievances also being directed against the same set of parties, had instituted a criminal complaint it having been registered as complaint case no.58/1 pending in the court of Additional Chief Metropolitan Magistrate of Central District at Tis Hazari.

The prayer in the present petition is for transfer of the said

complaint case from the file of Additional Chief Metropolitan Magistrate, Tis Hazari to the court of Chief Metropolitan Magistrate, (South East), Saket where all the three cases arising out of the different FIRs are pending in the wake of directions in the order dated 22.04.2015 in *Crl. M.C. 1616/2015, Manohar Sita Ram Patil & Anr. Vs. State of NCT of Delhi*.

It appears the transfer petition at hand was initially filed impleading the respondent / State only. In response to the notices which were issued, the seventh respondent has appeared through counsel. But during the hearing, it was brought out that the pre-summoning enquiry into the complaint is still pending and the process has not yet been issued against second to seventh respondent. If that be so, the said respondents can have no *locus* to resist the prayer made in the petition for transfer. Thus, notice to them is dispensed with.

The prayer is granted. The complaint case no.58/1 pending in the court of Additional Chief Metropolitan Magistrate of Central District at Tis Hazari shall stand transferred to the file of Chief Metropolitan Magistrate, (South East), Saket Court, New Delhi.

The captioned petition and the pending applications are, accordingly, disposed of.

R.K.GAUBA, J

MAY 11, 2017

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