

\$~22

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

+ W.P.(CRL) 2926/2016 & CrI.M.A. 15638/2016 (stay)

SMT MANJEET KAPOOR & ORS

..... Petitioner

Represented by: Mr. Rajeev Lochan, Mr. Rahul
Sinha, Advs.

versus

STATE & ORS

..... Respondent

Represented by: Mr. Rajesh Mahajan, ASC with
SI Mohit Parkash PS Hari
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.03.2017

%

1. Repeatedly steps are not being taken for service of respondents No.2 to 4.
2. By this petition the petitioner seeks re-investigation in FIR No.389/2015 under Sections 354/354B/509/34 IPC registered at PS Hari Nagar on the complaint of respondent No.4.
3. In the petition it is alleged that the above-noted FIR is false and fabricated and has been registered to mount pressure on the petitioners pursuant to FIRs No.134/2013 and 203/2015.
4. Three FIRs were registered at PS Hari Nagar being FIR No.134/2013 under Section 420 IPC, FIR No.203/2015 under Section 420 IPC and FIR No.389/2015 under Sections 354/354B/509/34 IPC.

W.P.(CRL) 2926/2016

page 1 of 3

5. The complainant in FIR No.134/2013 was one Jasmeet Singh who alleged that the respondent No.4 and her husband on a false representation lured him to part with the sum of ₹8 lakhs as loan on 22nd August, 2012 by mortgaging property bearing No.GB-1, G-8, 2nd Floor, Khasra No.803, 839 & 840, G Block, Hari Nagar by delivery of original title deeds of the property. It was concealed by the respondents No.3 & 4 herein from the complainant that the property had already been sold and the possession handed-over to another person.

6. In FIR No.203/2015 which was registered on the complaint of petitioner No.1 it was alleged that the petitioner No.1 had entered into an agreement to sell regarding the above-noted property with roof rights and freehold ownership right in the underneath land for a total consideration of ₹15 lakhs out of which the petitioner No.1 paid a sum of ₹7 lakhs to the respondent No.4 and the balance amount of ₹8 lakhs was to be paid on or before 16th March, 2013. Despite repeated request of the petitioner No.1 and her husband to perform their part of the obligation, respondent No.4 and her other accomplices were not traceable and later the petitioner No.1 came to know that they had been arrested having lured number of people.

7. In FIR No.389/2015 under Sections 354/354B/509/34 IPC the complainant who is the respondent No.4 in the present petition alleged that that at around 7.00 PM on 12th March, 2015 two persons i.e. petitioner No.2 and 3 came to her house, misbehaved with her and tore her clothes.

8. Learned counsel for the petitioner submits that respondent No.4 made improvements in her statement under Section 164 Cr.P.C. Further the main grievance of the petitioner is the role of the investigating officer SI Daljeet

Singh who never looked into the matter till the filing of the charge-sheet and it cannot be a coincident that two FIRs as noted above are investigated by the same Police Officer.

9. The affect of improvements in the statement under Section 164 Cr.P.C. will be seen during trial. There is no other allegation against SI Daljeet except stating that he investigated both the FIRs. With the limited staff being available in a Police Station it is not unknown that the same Police Officer would investigate number of complaints but in the present case as per the status report SI Daljeet Singh never investigated FIR No.389/2015. Moreover, there is no power of the Court to direct re-investigation and it can only direct further investigation. This Court finds no case made out for further investigation.

10. Petition and application are dismissed.

MUKTA GUPTA, J.

MARCH 08, 2017

‘ga’