

\$~29

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

+ **W.P.(CRL) 1591/2017**

ABHINAV PANDEY

... Petitioner

Represented by: **Mr.Nishant Bhardwaj,**
Advocate

versus

**COMMISSIONER OF POLICE
DELHI POLICE FORCE**

.... Respondent

Represented by: **Ms.Richa Kapoor, ASC with SI**
Avdhesh, PS Saket

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.12.2017

%

By this petition the petitioner seeks directions against the respondent to arrest accused persons in FIR No.70/2017 under Section 420/406 IPC registered at PS Saket on the complaint of the petitioner. Grievance of the petitioner is that despite the FIR having been registered, no action thereon was taken and the accused persons were not arrested. The present petition came up before this Court on 11th December, 2017 when this Court issued notice and directed the State to file a response. As per the Status Report the two accused in the above noted FIR i.e. Ajay Chandra and Sanjay Chandra have since been arrested. Learned Additional Standing Counsel for the State on instructions informs that on being arrested on 14th September, 2017, the

two accused were directed to be released on bail by the learned Trial Court directing them to furnish an FDR for an amount of ₹10,35,000/-, the amount which the petitioner had claimed in his complaint.

Further grievance of the petitioner is that when the bail application of the accused came up before the learned Trial Court, no intimation thereof was given by the Investigating Officer to the complainant who could have pursued his remedy and assisted the learned APP. Though initially the Investigating Officer stated that due intimation of the bail application being listed on 14th September, 2017 was given to the petitioner, however, later he stated that he was not sure when and how he gave the intimation.

Be that as it may, whether to arrest an accused or not is the prerogative of the Investigating Agency and the courts cannot interfere therein. In the above noted FIR the two accused having been arrested and released on bail on furnishing the FDR, the FDR bearing No.683335 dated 8th September, 2017 for a sum of ₹10,35,000/- having been deposited with the learned Trial Court as security, the statements of accused having been recorded that they will not redeem the same without prior permission of the Court and the fact that pursuant to the FIR the investigation has proceeded, this Court finds that no further orders are called for in the present petition.

The petition is disposed of.

MUKTA GUPTA, J.

DECEMBER 18, 2017
‘rk’