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

+ W.P.(CRL) 1657/2017 & Crl.M.A. 15257/2017

ALI KHBOOS SHAKERI

..... Petitioner

Through: Dr.Sarbjit Sharma, Advocate with
Dr.Sunit Sharma and Ms.Sunaini Pasricha,
Advocates.

versus

CBI & ANR

..... Respondent

Through: Mr.Sanjeev Bhandari, SPP for CBI with
Insp. Jitender Sharma, EO-I, CBI, New Delhi.
Mr.Rajesh Mahajan, ASC for the State SI Murtuja,
EOW, Delhi.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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12.10.2017

1. Vide order dated 13.09.2017, this court had passed the following order: -

“1. It is submitted that the petitioner through his authorised representative Dr. Hossein Bamiri lodged a complaint to the Commissioner of Police, Delhi on the basis of which a FIR No.13 of 2017 dated 13.01.2017 was registered. On the same day, the petitioner through his authorised representative lodged a complaint with Director of CBI.

2. Learned Special Public Prosecutor for the CBI submits that they have received a complaint from Ambassador of the Iran through Dr. Hossein Bamiri and they lodged a FIR No.RC 219/2017 E0002 dated 19.01.2017 for the same offence.

3. Pursuant to the FIR registered by the CBI, part investigations were conducted. Then, they were informed about the FIR registered by the Economic Offences Wing, Delhi Police and they closed the investigation and informed the Economic Offences Wing, Delhi.

4. Learned ASC for the State submits that on 24.01.2017 the petitioner-complainant informed them that since-CBI is seized of the matter and carrying out the investigation, the Economic Offences Wing should not deal with the matter further. Learned ASC further submits that they have already received a communication from CBI dated 16.06.2017 to transfer all the documents pertaining to the FIR No.13 of 2017. He further submits that on 22.06.2017, the Commissioner of Police transferred the investigation of the said FIR No.13 of 2017, since the CBI has already lodged FIR vide RC 219/2017.

5. Learned ASC further submits that on the same day i.e. 22.06.2017 they have received one communication from the Superintendent of Police, New Delhi addressed to the Assistant Commissioner of the Police to the effect that since two FIRs were registered, one with Economic Offences Wing, Delhi Police on 13.01.2017 and another with CBI on 19.01.2017 and in the circumstances, the Superintendent of Police of CBI requested the Assistant Commissioner of Police that the Investigating Officer of EOW Delhi police may be directed to collect all the documents collected by the CBI and to take up the investigation.

6. Thereafter, it is submitted that nothing has been done to investigate the matter further either by Economic Offences Wing or by the CBI. In the circumstances, it is directed that let the concerned IO of CBI as also the IO of the Economic Offence Wing shall appear in person on the next date of hearing.

List on 12.10.2017.”

2. It is submitted by learned counsel for the petitioner that initial investigation was conducted by the CBI and when they were informed of registration of FIR by EOW of Delhi Police, they stopped the investigation.

He further submits that EOW of Delhi Police has also not initiated any investigation so far. He submits that the petitioner had suffered a lot and the further investigation should be carried out without any loss of time.

3. The learned Special Public Prosecutor for CBI admits that part investigation was conducted by them but since it was brought to their notice that EOW of Delhi Police had registered FIR on 13.01.2017 which was prior in time, they communicated to the Commissioner of Police by letter dated 22.06.2017 to collect all the documents and take up the investigation.

4. On the other hand, learned Additional Standing Counsel for the State submits that they do not intend to shirk from their responsibility to investigate the matter. He further submits that EOW of Delhi Police has not yet started investigation since CBI had initiated the investigation.

5. An application being Crl.M.A. No.15257/2017 has been filed by the petitioner praying that EOW of Delhi Police may be directed to initiate the investigation.

6. The petitioner through his authorised representative lodged a complaint not only with the Commissioner of Delhi Police but with the Director of CBI. On the basis of the complaint lodged with the Commissioner of Police, a FIR No.13/2017 was registered on 13.01.2017. Unaware of the registration of the said FIR by EOW of Delhi Police, the CBI had also registered a FIR No.RC 219/2017 E 0002/19.01.2017 for the same offence. The initial investigation was conducted by the Investigating Officer of CBI and as soon as they become aware of registration of FIR by EOW Cell of Delhi Police, they did not investigate the matter after 25.05.2017. By a communication dated 22.06.2017, the Superintendent of Police CBI requested the Assistant Commissioner of Police that

Investigating Officer of EOW of Delhi Police may be directed to collect all the documents collected by them and take up the investigation.

7. In the facts and circumstances of the case, since the FIR registered by Delhi Police being FIR No.13/2017 dated 13.01.2017 is prior in time, it is directed that further investigation shall be carried out by EOW of Delhi Police so as to bring the said FIR to its logical conclusion.

8. The Investigating Officer of the EOW of Delhi Police shall collect all the documents collected by CBI within a week and take up the further investigation.

9. The petition as well as pending applications are disposed of accordingly.

10. Copy of this order be given *dasti* to all parties.

VINOD GOEL, J.

OCTOBER 12, 2017
"shailendra"