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

+ W.P.(CRL) 2511/2017

MADAN LAL

..... Petitioner

Represented by: Mr. H.K. Panda, Advocate.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Represented by: Mr. Piyush Singhal, Advocate
for Mr. Ashish Aggarwal,
Additional Standing Counsel
for the State with ASI
Dharampal, PS Hari Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.12.2017

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1. By this petition the petitioner seeks directions to the concerned police officer to arrest the accused in case FIR No. 118/2016 under Sections 452/377/342/506/34 IPC registered at PS Hari Nagar, Delhi on the complaint of the petitioner.

2. A status report has been filed. As per the status report FIR No. 118/2016 under Sections 452/377/342/506/34 IPC registered at PS Hari Nagar, Delhi was registered on the statement of the petitioner who claimed that on the midnight of 27th/28th January, 2016 somebody knocked at his door and when he opened the same, Dharmender, Sheeba, Manoj, Manisha and his younger son named Parvesh entered the house and started beating the petitioner. It is also alleged that besides extortion, wrong act was also

W.P.(CRL) 2511/2017

Page 1 of 2

done to the petitioner.

3. During the course of investigation it was revealed that both the parties are litigating for quite some time and three criminal cases were registered against the petitioner on the complaint of the alleged persons. Further one of the alleged accused Manisha has been provided two PSOs and as per the statement of the PSO recorded and the video of the marriage, Manisha was not even present in Delhi at the relevant time.

4. Considering the facts revealed in the status report, this Court finds no ground to direct arrest of the accused persons. In any case, the complainant can claim fair investigation and not arrest of the accused which is the sole discretion of the investigating agency and if the investigation can be carried out without arrest of the accused the same should be conducted without arrest.

5. Petition is dismissed

MUKTA GUPTA, J.

DECEMBER 18, 2017

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