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

+ W.P.(CRL) 3079/2017, Crl. M.A. 18091-92/2017

BIRENDER PRASAD

..... Petitioner

Through: Mr. Mukul Gupta, Sr. Adv. with Mr. Deepak Anand, Ms. Hamlata Rawat, Mr. Sumit Kr. Mishra and Mr. Tushar Gupta, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ORS

..... Respondent

Through: Ms. Richa Kapoor, ASC for State with SI Dharmendra, AATS/SWD

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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07.11.2017

Notice. Ms. Richa Kapoor accepts notice. At joint request, the matter is taken up for disposal.

This petition seeks the following reliefs:

“a) Transfer the FIR No. 150/2017, PS Dwarka dated 01.06.2017 to Anti Corruption Branch, Directorate of Vigilance, GNCT, New Delhi or Economic Offence Wing, Crime Branch, Delhi Police, New Delhi where the enquiry/investigation is still pending.

And/or”

b) Transfer the FIR no 150/2017, PS Dwarka dated 01.06.2017 from Police Station Sector 23, Dwarka to any other Police Station having

jurisdiction in the Present Case.

And/or

c) Direct the Deputy Commissioner of Police, South West District, Delhi to entrust the investigation of the present FIR to any other IO other than Sh., P.R. Hudda and Sh. Dharmender in the FIR. No. 150/2017, PS Dwarka dated 01.06.2017.

And/or

Pass any other Order/orders which, this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.

The learned Senior Advocate for the petitioner submits that the issue involved in this case is a claim for allotment of land to Ms. Rishalo Devi, daughter of late Mr. Yad Ram. The said issue is already under investigation by Anti Corruption Branch, Directorate of Vigilance, Govt. of NCT of Delhi, as well as by Economic Offences Wing (EOW), Crime Branch, Delhi Police. In this regard, he refers to two documents viz. letter from Asstt. Commissioner of Police, Anti Corruption Branch, Govt. of NCT of Delhi to the Deputy Director, L-A, C-2 Block, Room No. 308, DDA Vikas Sadan bearing No. 1360/SS/ACP/ACB dated 17.03.2011 and reply to the said letter from the Land Development Authority to Shri Sehdev Singh, ACP, Anti Corruption Branch dated 15.04.2011.

The issue is essentially apropos allotment of land to Ms Rishalo Devi and other legal heirs of late Mr Yad Ram which is precisely the case in the present FIR bearing No 150/17, PS Dwarka. Therefore, it would be appropriate and in the interest of justice that the case be dealt with by the EOW, Crime Branch, Delhi Police, which first registered a case in 2011 regarding the claim and objection to the aforesaid allotment of land by the DDA, and investigated the matter in the

first instance.

In the circumstances, FIR No. 150/2017, P.S. Dwarka dated 01.06.2017 is transferred to EOW, Crime Branch, Delhi Police for further action.

The petition is allowed.

NAJMI WAZIRI, J

NOVEMBER 07, 2017/acm