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

+ W.P.(CRL) 322/2017 and CrI.M.A. Nos. 19360/2017 and
29345/2018

PREM LATA

..... Petitioner

Represented by: Mr. Sugam C Aggarwal,
Advocate.

versus

COMMISSIONER OF POLICE & ANR

..... Respondents

Represented by: Ms. Nandita Rao, ASC for the
State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

30.08.2018

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1. By this petition, the petitioner inter alia prays:-

- (i) *Issue a writ of mandamus directing the respondents No. 1 and 2 to complete the investigation by taking legal action against the accused in the registered FIR case i.e. Annexure P-2 to P-6 as per law in the interest of Justice; or*
- (ii) *To transfer the said registered cases i.e. Annexure P-2 to P-6 for investigation and taking the legal action against the accused in the Special Crime Branch, South Zone, Delhi.*
- (iii) *And to direct the respondents No. 1 to 3 to register FIR against the accused after investigating the pending complaints i.e. Annexure P-7, Annexure P-8 and Annexure P-9 of the petitioner against the accused as the respondent have not taken any action on the pending complaints for the last more than 1 ½ years;*

(iv) *And further to direct the respondent No. 1 and 2 to provide the safety of life and property from the hands of the accused on the accused as bent upon to take the law in their own hands by adopting illegal and forcible means;*

2. Case of the petitioner is that she executed an agreement of collaboration for construction of property bearing No. 415, village Chattarpur, PS Mehrauli admeasuring 260 Sq. yards in the Lal Dora limit with M/s Devi Mansi Building through Rajesh Kumar its proprietor vide agreement dated 20th January, 2014. The said contractor failed to complete the construction, left the property unconstructed and incomplete despite having collected the amount against the said property. Thus the petitioner filed various complaints on which either no FIR was registered or if FIR was registered investigation has not been completed.

3. Status report has been filed. As per the status report on the complaints of the petitioner FIR No. 931/2015 under Sections 342/506/509/34 IPC dated 4th April, 2015 and FIR No. 842/2015 under Sections 506/509 IPC dated 24th March, 2015 has been registered at PS Mehrauli. On subsequent complaint of Kameshwar Kumar Singh dated 18th May, 2015 FIR No. 1290/2015 under Section 420 IPC was registered at PS Mehrauli against the builder Rajesh Kumar as he sold the four flats. Further on the complaint of the petitioner dated 27th April, 2018, FIR No. 310/2018 under Sections 467/468/471/34 IPC has been registered at PS Mehrauli on 30th May, 2018 and charge sheet has been finalised.

4. As regards the complaint of the petitioner dated 15th September, 2016 is concerned in the said complaint petitioner alleged that Kameshwar Kumar Singh and Pardeep Kumar Tewari violated the interim order granting stay from raising construction in the property bearing No. 415, Chhattarpur, New Delhi and it is alleged that Pardeep Kumar Tewari in conspiracy with Kameshwar Kumar Singh has prepared false record of the flat.

5. During the inquiry conducted on the complaint dated 15th September, 2016 it was revealed that the petitioner had signed the agreement as a witness and the flat was purchased by the brothers of Pardeep Kumar Tiwari, namely Brij Mohan Tewari and Sanjeev Tewari for a sale consideration of ₹24 lakhs and the signature of the petitioner were found to be genuine. Thus the complaint was filed.

6. As regards the complaint of the petitioner dated 22nd December, 2016 is concerned in the said complaint petitioner alleged that Pardeep Kumar Tewari with the malafide intention to grab the portion of her property bearing No. 415, Chhattarpur, New Delhi, got executed the agreement to sell dated 15th May, 2014. The petitioner was confronted with the agreement to sell which bore her signature, duly proved by the RFSL. Thus, the said complaint has also been filed.

7. Since in the complaint dated 14th October, 2016 from the petitioner received at PS Mehrauli on 26th October, 2016 the petitioner had summarised the events occurring prior to the said dates hence the said complaint was also filed.

8. Considering the reliefs sought and the status report filed, this Court finds no ground to pass any order in favour of the petitioner.
9. Petition and applications are dismissed.

MUKTA GUPTA, J.

AUGUST 30, 2018
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