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

+ **W.P.(CRL) 511/2018**

RAJIV KAPUR

..... Petitioner

Represented by: **Mr. Sudheer Pandey, Advocate**
with petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: **Mr. Ashish Negi, Advocate for**
Ms. Richa Kapoor, Additional
Standing Counsel for State with
SI Amar Singh, PS Saket.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.03.2018

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1. By this petition the petitioner had challenged the order dated 5th September, 2017 passed by the learned Metropolitan Magistrate limited to the extent that despite having led evidence at the pre-summoning stage and the case of the complainant being based on the documentary evidence, the learned Trial Court directed a limited inquiry/opinion of the SHO/Investigating Officer under Section 202 (1) Cr.P.C.

2. When this petition came up before this Court on 19th February, 2018, this Court asked learned counsel for the petitioner as to whether he has any objection if direction is given to the learned Trial Court to decide the complaint on the basis of evidence already led by the petitioner.

3. An affidavit of the petitioner has been filed in this regard. The petitioner is also present in Court. He states that irrespective of the fate of

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the complaint filed by him, the learned Trial Court be directed to decide the issue of summons to the accused based on the evidence led by the petitioner till date and no further inquiry be conducted.

4. Thus the direction of the learned Trial Court vide order dated 5th September, 2017 directing the SHO, PS Saket to conduct an investigation and file a report in terms of Section 202 (1) Cr.P.C. is set aside. The learned Trial Court will decide whether there are sufficient grounds to issue summons to the accused based on the evidence already led by the petitioner.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

MARCH 09, 2018

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