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

+ CM(M) 484/2018 and CM 16868-16869/2018

ANAND DATWANI & ANR Petitioners
Through: Mr. Suresh Singh, Adv.

versus

THE COMMISSIONER OF POLICE & ORS Respondents
Through: None

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **15.05.2018**

The order under challenge was passed on 31.03.2018 on the file of civil suit (CS 57827/2016) instituted by the second respondent joining hands with the second petitioner in which the first petitioner is the first defendant. It appears the Economic Offences Wing (EOW) of Delhi Police has registered a criminal case vide first information report no.78/2012 under Sections 420, 467, 468, 471, 120B of IPC on the complaint of the third respondent (third defendant in the suit). It is during the course of the said investigation that a prayer was made by the Investigating Agency for certain documents which had been placed on record of the civil suit to be handed over to it for purposes of its investigation which, it appears would include comparison of the questioned documents through Forensic Science Laboratory. The prayer made in the said application of the investigation agency has

been allowed to which the petitioners take exception. It is the contention of the counsel of the petitioners that some of the said documents had been admitted by the first plaintiff of the case and therefore, there was no need for such investigation. It is also the contention of the petitioners that the civil suit in which the impugned order has been passed was initially filed on the original side of this court in 2008 and under directions of this court by earlier orders passed on the file of the same case, the questioned documents had been sent for forensic examination and the report of the hand-writing expert is already on record. Be that as it may, since now the need for fresh examination of the documents has arisen in the context of crime having been registered by the EOW of Delhi Police, it would not be appropriate to interdict. The impugned order has been passed in the judicial discretion properly exercised by the trial court and, therefore, does not call for any interference.

The petition and the applications filed therewith are dismissed.

R.K.GAUBA, J.

MAY 15, 2018

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