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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2309/2018**
AMIT GOYAL

..... Petitioner

Through: Ms. Anjali J. Manish with Mr.
Priyadarshi Manish and Ms. Nidhi Saini,
Advocates.

Versus

STATE OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel for
the State with Mr. Jamal Akhtar, Adv. and ASI
Anil Kumar, P.S. M.W. Nagar with SHO
concerned.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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04.09.2018

It is the petitioner's case that he had purchased a Mercedes car on 18.11.2015 but the seller company failed to get the registration done in his name. In the meanwhile, the National Green Tribunal banned registration of motor vehicles having diesel engine capacity of 2000 cc and above. Accordingly, the vehicle sold to the petitioner was sought to be replaced by the Mercedes agency and he was supplied a substitute vehicle. The first vehicle became case property in FIR No. 11/2016, registered in Chandigarh. The police of the said Union Territory took away the vehicle from the petitioner with the assistance of the local police. According to the police, the petitioner was given replacement vehicle by the Mercedes agency on the same date.

On 09.01.2018, the petitioner's vehicle, which was taken away by the Chandigarh police, was released on superdari on his furnishing property documents as security. Effectively, after release of the vehicle on superdari, the petitioner was in possession not only of the so released vehicle but also the substitute vehicle, given by the Mercedes agency. This was returned to the latter agency only when a complaint had been filed by them a few months later, on 15.05.2018.

Ms. Manish, the learned counsel for the petitioner, submits that the substitute vehicle was not at all usable and that it was just parked at the petitioner's premises because it had a false registration number, without any insurance and the complainant was not liable to bear the cost of insurance. The complainant had accordingly filed a complaint with the local police on 24.10.2017. Whether the vehicle was usable or unusable or it was with a false registration number or the petitioner was restrained from so intimating the Mercedes agency or to the police earlier, are issues which need to be investigated by the police.

Mr. Rahul Mehra, the learned Standing Counsel for the Govt. of NCT of Delhi submits that the case in Chandigarh is still pending investigation and as per the I.O. concerned, Charge-sheet is likely to be filed any time soon. He submits that pursuant to the said Charge-sheet and further investigation by the local police, appropriate action will be taken on the petitioner's complaint. He further expects, upon instructions, that some substantive progress will be made in the investigation of the present case by the end of November, 2018.

In view of the above, no further orders are required. The petition is disposed-off in the above terms.

Should the petitioner have any grievance, he would have the liberty to approach the Court.

NAJMI WAZIRI, J.

SEPTEMBER 04, 2018

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