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

+ W.P.(CRL) 1985/2017

SH MUKESH KUMAR Petitioner

Represented by: Mr.M.K.Gahlaut, Advocate

versus

CBI & ORS Respondents

Represented by: Mr.Sanjeev Bhandari, SPP for CBI
with Insp.Sunil Kumar, CBI (ACB)

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **06.09.2018**

1. By this petition, the petitioner prays for a writ of mandamus to respondent Nos.1, 2 and 3 to register FIR against respondent No.4 on his complaint dated 21st June, 2017 addressed to the Secretary (Home), CBI, Commissioner of Police, Divisional Manager (Northern Railways) and Ministry of Railways (Railway Board).

2. On a notice being issued, a status report has been filed on behalf of CBI. As per the status report, on examination of the petitioner, it was revealed that case FIR No.279/2017 under Sections 406/420/506 IPC has been registered by Haryana Police at Police Station Kundali, District Sonipat, Haryana on 21st July, 2017 impleading petitioner and Kuldeep Singh (respondent No.4) in the present petition as accused. Petitioner and respondent No.4 have already been arrested. Petitioner has since been

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released however Kuldeep Singh (respondent No.4) is still in custody.

3. In the FIR against the petitioner and Kuldeep Singh registered on the complaint of one Mohit Kumar, it is alleged that respondent No.4 introduced himself as a Senior Railway Officer and when they were introducing him as a Senior Railway Officer, the petitioner, Ms.Soniya, Mr.Shishpal and Mr.Dudhnath were also present with respondent No.4. Respondent No.4 assured Mohit Kumar, the complainant of the FIR registered by Haryana Police to get employment in Indian Railways in lieu of the payment of ₹12 lakhs.

4. The present writ petition was filed by the petitioner on 28th June, 2017 after abovenoted FIR was registered by Haryana Police on 21st July, 2017 on complaint made by Mohit Kumar in December, 2016. From the contents noted in the writ petition, it is thus evident that the present petition has been filed to set up a defence for the trial of the petitioner in FIR No.279/2017 under Sections 406/420/506 IPC.

5. This Court thus finds no ground to pass any directions to CBI.

6. Petition is dismissed.

MUKTA GUPTA, J.

SEPTEMBER 06, 2018

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