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

+ **W.P.(CRL) 2286/2017**

RAJESH AGGARWAL & ORS

..... Petitioners

Represented by: Mr. Jai P. Malviya, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Represented by: Mr. Ranbir Singh Kundu,
Additional Standing Counsel
for State, Ms. Suman Saharan,
Advocate with SI Jaivir, PS
Motla Mubarakpur.
Mr. O.P. Gaggar, Advocate for
respondent No.3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.05.2018

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1. By this petition, the petitioners inter alia prayed for transfer of investigation in case FIR No.143/2013 under Sections 420/468/471 IPC registered at PS Kotla Mubarakpur, Delhi to CBI or to any other investigating agency.

2. Grievance of the petitioner was that despite the complaint having been given in the year 2012 to PS Kotla Mubarakpur, no FIR was registered, thus the petitioner was constrained to approach the learned Trial Court under Section 156(3) Cr.P.C. pursuant where to the above noted FIR was registered. However, even after the registration of FIR no effective steps were taken in the investigation.

W.P.(CRL) 2286/2017

Page 1 of 3

3. Allegations of the petitioners in the above noted FIR are against Neelam Gupta and her husband Monu Kumar @ Manoj Kumar @ Sushil Kumar, both resident of 100A, Devli Extension, New Delhi. It is alleged that Neelam Gupta and Monu Kumar jointly purchased a property bearing No.780A, Mahawar Nagar, Kotla Mubarakpur, Delhi in the year 2008. After that they jointly mortgaged the said property in December, 2009 to Union Bank of India, Daryaganj Branch and took a loan of ₹30 lakhs against the property. Thereafter two accused persons again took a loan on the same property for a sum of ₹18 lakhs by submitting forged documents to Central Bank of India, Gulmohar Park, New Delhi in the year 2010. Despite the fact that the property was twice mortgaged, the accused persons constructed flats on the said property and sold the five floors to the petitioners herein on the strength of forged and fabricated documents.

4. A detailed status report has been filed by DCP, South District. As per the status report after registration of FIR, efforts were made to apprehend the two accused however, their whereabouts could not be traced as they changed their identities and address frequently. Thus, they were declared proclaimed offenders on 1st June, 2016 and Section 174A IPC was also added in the investigation of the above noted FIR. Finally Neelam Gupta and Monu Kumar were arrested on 26th January, 2018 after they were found residing at RZ-T-57-58, First Floor, RZ Block, South Ex.-III, Uttam Nagar, Delhi in the changed identity names of Sushil Kumar and Sushila. Both the accused are presently in judicial custody. Original documents in relation to the loans sought from the Union of India, Darya Ganj Branch and Central Bank of India, Gulmohar Park have been since been collected and investigation as to

whether any connivance of the bank officials is there in the two transactions is being looked into.

5. Considering the fact that the main grievance of the petitioner was against the two accused Neelam Gupta and Monu Kumar, who have since been arrested and charge sheet filed, after collection of material documents, this Court finds no ground to transfer the investigation to any other agency.

6. Petition is disposed of as substantial investigation has been carried out.

MUKTA GUPTA, J.

MAY 03, 2018

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