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

+ W.P.(CRL) 2698/2017

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.... Petitioner

Represented by: Mr.Ajay Khanna, Advocate

versus

STATE & ORS

... Respondent

Represented by: Mr.Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Advocate
for the State with W/SI Sneh
Lata, PS Malviya Nagar

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.01.2018

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By this petition the petitioner inter alia prays for transfer of investigation arising out of a complaint registered with PS Malviya Nagar, South District, New Delhi to any independent branch of Delhi Police like Crime Branch or to the Central Bureau of Investigation; directions to respondent No.1 to initiate appropriate action against Delhi Police Officials responsible for non-compliance of Criminal Procedure Code and direction issued by Apex Court in the matter of *Lalita Kumari Vs. Govt. of UP & Ors.* and not to transfer the complaint/zero FIR on his complaint outside the territory of Delhi.

A complaint dated 1st September, 2017 was received by SHO, PS Malviya Nagar on 7th September, 2017. In the complaint the petitioner levelled allegations of rape, kidnapping, wrongful confinement, attempt to

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murder, criminal conspiracy, attempt to cause miscarriage without the consent of complainant etc. against one Dharmender Sharma and his wife Shanu Sharma, Raj Kumar Sharma and his wife Meenu Sharma, all residents of Gurgaon.

In the complaint the petitioner alleged that in the year 2013 she was working in Vigyan Chemicals Pvt. Ltd. as an accountant. She came in touch with Dharmender Sharma who offered to help her in further career growth. She met him for the first time on her birthday on 21st May, 2013 at CCD, Greater Kailash, Delhi and from that day, Dharmender kept on trying to contact her. He portrayed to her that he was having disturbed married life and would be soon divorced. In July 2016, Dharmender opened his own company YNV Technologies Pvt. Ltd. and by that time the family of the complainant started making efforts for her marriage but she used to avoid this on one pretext or the other. To avoid the same, Dharmender asked her to leave her job and join his company so that they could be together. The complainant convinced her family and went to the office of Dharmender at Gurgaon along with her elder brother. She joined the company of Dharmender as a Senior Accountant. It is further alleged that on the pretext of marrying the complainant, Dharmender established relationship with her in various hotels which were booked by one Mahender through OYO Rooms Services in the area of Gurgaon. After seeing his wife in his office the complainant came to know that Dharmender was married and realized that she was cheated. Dharmender threatened her by saying that he had filmed the sexual acts and if she complains about it, he would post the videos on social media.

In the entire complaint received by the SHO, PS Malviya Nagar on 7th September, 2017, there was no whisper of the offences being committed in Delhi, however, to the typed version, in hand, it was added that *“It all started from Delhi where he took me to a room in G.K. somewhere, the address I do not know.”* Since no FIR was registered by the SHO concerned the petitioner also sent the complaint to the Commissioner of Police, which were received on 6th September, 2017.

Be that as it may, the SHO, PS Malviya Nagar seeing that the entire cause of action has taken place at Gurgaon, registered a Zero FIR at Delhi and transferred it to PS Sadar, Gurgaon, Haryana where FIR No.933/2017 dated 24th September, 2017 under Sections 376/506/34 IPC was registered and Dharmender was arrested on 25th October, 2017. Dharmender has since been granted bail by the Court of learned Sessions Judge, Gurgaon, Haryana.

The grievance of the petitioner in the present petition being no registration of FIR in Delhi deserves to be rejected for the reason as noted above in the entire complaint the petitioner stated that all offences i.e. rape, threat etc. took place at Gurgaon. Only in one line it is stated that it started in G.K. (Greater Kailash, Delhi). It is not explained how and when.

Be that as it may, even if part cause of action took place in Delhi, substantial part of the cause of action has taken place in Gurgaon and there can be no illegality attached to the order of transfer of FIR to Gurgaon. Thus, the petition is dismissed.

JANUARY 11, 2018

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MUKTA GUPTA, J.

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