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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 30th October, 2018

+ CRL.M.C. 4203/2015 and Crl.M.A.15012/2015

UMESH VERMA & ANR.

..... Petitioners

Through: Mr. Tanmaya Mehta, Advocate
with Mr. Anurag Sahay, Mr.
Roopesh Singh, & Mr. Ruchir
Batra, Advocates

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP
for the State with SI Sachin, PS
Subhash Place.

Mr. Nitin Ahlawat, Advocate
for R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. On the complaint (CC No.197/01/14) of the third respondent under directions of the Metropolitan Magistrate, by order dated 07.09.2015, the Station House Officer of Police Station Subhash Place registered first information report (FIR) No.944/2015 on 16.10.2015 for investigation into offences allegedly committed, *inter alia*, by the petitioner, they statedly being punishable under Sections 420/407/416/467/468/380/506/120-B of the Indian Penal Code, 1860 (IPC).

2. The present petition was filed invoking the inherent power and jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to assail the said order of the Metropolitan Magistrate, and the consequent action taken thereupon, primarily on the grounds that the allegations in the FIR lodged at the instance of third respondent are incredible, they being fabricated, a case attempted to be set up being in the nature of an afterthought and counterblast, a case having already been registered by police at the instance of the petitioner against the third respondent, it being FIR No.429/2012 of Police Station Subhash Place, allegedly for offences, *inter alia*, punishable under Sections 403/414 IPC.

3. After some hearing, the learned counsel for the petitioner, on instructions, submitted that he does not press the prayer for quashing of the FIR No.944/2015 or setting aside of the order dated 07.09.2015 of the Metropolitan Magistrate, his modified prayer being that both the above-mentioned FIRs being in the nature of cross-cases, they having been entrusted to District Investigation Unit (DIU) and having thus far seen no effective probe, be entrusted to a superior investigating agency with directions that the investigation into both the cases be carried out simultaneously by the same investigating officer, so that each culminates in reports under Section 173 Cr.P.C. being submitted at the same time before the same criminal court of cognizance for further proceedings in accordance with law to be held thereupon.

4. During the course of hearing, it was brought out that the FIR of the petitioner has not made any meaningful progress even though six

years have passed. There seems to be no plausible explanation for such undue delay. Similar grievance has been agitated by the third respondent whose submission is that no action was taken by the local police on his complaint initially lodged on 03.05.2012 and that he was constrained eventually to approach the Metropolitan Magistrate seeking an order under Section 156(3) Cr.P.C., and even though a direction was given by order dated 07.09.2015 and FIR was registered in its wake, the investigation has been tardy and slow.

5. In the above facts and circumstances, this court deems it just and proper that the investigation of both the aforementioned FIRs, i.e. FIR No.429/2012 and FIR No.944/2015 of Police Station Subhash Place be entrusted to an agency superior to the DIU. Going by the submissions of the Additional Public Prosecutor, this court finds the Economic Offences Wing (EOW) of Delhi Police to be the appropriate agency which can carry out the task in a more effective manner. Thus, it is directed that the Commissioner of Police shall issue administrative orders shifting the investigation of the above mentioned FIRs to the EOW of Delhi Police. Needless to add, this court will hope and expect that the investigation into two FIRs will hereafter be expeditious and the same shall culminate in reports of investigation under Section 173 Cr.P.C. being submitted to the appropriate court of cognizance at an early date and at the same point of time. The investigation officer deputed by EOW shall be common to both the cases.

6. The petition and the application filed therewith stand disposed of with these directions.

R.K.GAUBA, J.

OCTOBER 30, 2018

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