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

+ W.P.(CRL) 25/2018 and Crl. M.A. No. 110/2018 (Stay)

SHAKTI SINGH

..... Petitioner

Represented by: Mr. Akshay Srivastava and Mr.
Piyush Singh, Advocates.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Represented by: Ms. Nandita Rao, Additional
Standing Counsel for State with
SI Vijay Pal, PS Sector-23,
Dwarka and SI Birender Singh,
PS Dwarka North.
Mr. Jogender Kumar, Advocate
for respondent Nos. 2 and 3.
Ms. Megha Arora, Advocate
for Mr. Dinesh Mudgil,
Advocate for respondent No.4
with respondent no.4 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.08.2018

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1. By this petition the petitioner had prayed setting aside of the order dated 23rd November, 2017 passed by the learned Additional Sessions Judge in Crl. Rev. No.19/2017 directing the concerned SHO to lodge FIR under Section 420/506 IPC, for quashing of the said FIR and the proceedings pursuant thereto.

2. When confronted with the fact that since the contents of FIR disclose commission of cognizable offence thus the learned Additional Sessions

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Judge committed no illegality in directing registration of FIR., learned counsel for the petitioner pointed out that two FIRs have been registered in relation to two portions of the same floor of the property, being flat No. B-5, Sector-22, Dwarka and one being FIR No.243/2017 under Section 406 IPC being investigated by PS Dwarka (North) and FIR No.372/2017 under Section 420/506 IPC by PS Sector- 23, Dwarka. He thus prayed that if the investigations in the two FIR is done by a common agency the same would give proper results.

3. Since complainant in FIR No.243/2017 was not a party to the present petition notice was issued to him returnable for today.

4. Today learned counsel for respondent Nos. 2 and 3 in the present petition relating to FIR No.372/2017 and Jai Prakash Rathi, complainant in FIR No.243/2017 are present in Court. Further learned counsel for State submits that since accused of the two FIRs is same as well as the property involved is same, it would be appropriate if the investigation in both the FIRs is conducted by the same investigating agency. Thus the same be transferred to the DIU, Dwarka.

5. Considering the facts that the two FIRs relate to the two portions of the floor of the same property, this Court directs that investigation in case FIR No.243/2017 under Section 406 IPC registered at PS Dwarka (North) and FIR No.372/2017 under Section 420/506 IPC registered at PS Sector-23 be transferred to one agency.

6. DCP, Dwarka is thus directed to transfer the investigation in the two FIRs as noted above to DIU, Dwarka.

7. In view of the prayer as noted above having been allowed, learned counsel for the petitioner does not press the petition any further.
8. Petition and application are disposed of as not pressed.

MUKTA GUPTA, J.

AUGUST 09, 2018/‘vn’