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

+ **W.P.(CRL) 3076/2019**

AKASH GOEL & ANR.

..... Petitioners

Through: Mr Navin Sharma, Mr Vipin Sanuja
and Mr Parth Shama, Advocates.

versus

STATE & ORS.

..... Respondents

Through: Ms Nandita Rao, ASC for the State
with Insp. Gurmail Singh, EOW.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.11.2019

CRL.M.A. 39447/2019

1. Allowed, subject to all just exceptions.

W.P.(CRL) 3076/2019 & CRL.M.A. 39446/2019

2. The petitioners have filed the present petition, *inter alia*, praying as under:-

“i) Issue a writ in the nature of Certiorari or any other appropriate writ thereby this Hon’ble Court may set-aside and quash the orders dated 17.12.2018, 25.03.2019, 29.05.2019, 26.07.2019, 26.08.2019 and 17.10.2019 passed by the Ld. Trial Court which are in contravention to the order dated 28.08.2018, passed by the Ld. ASJ, Tis Hazari, Delhi and the order dated 03.12.2018 passed by this Hon’ble Court and also in contravention to the law laid down by the Hon’ble Supreme Court as explained in Ground A above and further may direct the Ld. ACMM to expeditiously proceed with the trial in accordance with

the law on the basis of charge sheet date 03.08.2017 already filed by the police

- (ii) Issue a writ in the nature of Mandamus or any other appropriate writ thereby issue necessary directions / orders etc. to Respondent No.2, not to harass the petitioners by calling them through issuing notices on the dictate of Respondent No.3.”

3. This Court by an order dated 03.12.2018 passed in CrI.M.C.6108/2018 had disposed of the petition filed by respondent no.3 (Sunil Goel), whereby respondent no.3 has sought further investigation in FIR No.184/2010 under Sections 465/467/468/120B of the IPC registered with PS EOW. This Court noted that the Trial Court was specifically directed by the learned Additional Sessions Judge to comply with its earlier order dated 02.11.2016 and ensure that the investigating officer conducts further investigation regarding forgery. The apprehension of the petitioner therein was that the investigating officer will not place all relevant evidence on record. This Court had also observed that that the said petition was premature as the learned ASJ had already issued directions to the Trial Court for compliance with earlier orders to conduct further investigation. Paragraph 8 of the said order dated 03.12.2018 is set out below:-

“8. In my considered view, once the learned Trial Court has been specifically directed by the learned Additional Sessions Judge to comply with its earlier order dated 02.11.2016 by ensuring that the Investigating Officer conducts further investigation regarding forgery, the apprehension of the petitioner that the Investigating Officer will not place all the relevant documents or complete facts before the learned Trial Court, is in my opinion premature at this stage. It is, however, clarified that in case after further investigation in respect of the forgery is completed by the Investigating Officer in accordance

with the directions of the learned ASJ and a report/supplementary charge-sheet, as the case may be is filed before the learned Trial Court, the petitioner would be at liberty to raise his grievance regarding non-filing of any alleged relevant documents by the Investigating Officer before the learned Trial Court.”

4. It is also relevant to refer to the order dated 28.08.2018 passed by the learned Sessions Judge, whereby the Revision Petition preferred by respondent no.3 was disposed of. The said order had been impugned by respondent no.3 in CrI.M.C.6132/2018, which was disposed of by the aforementioned order dated 03.12.2018. The learned ASJ had issued directions for the learned trial court to implement its earlier order dated 02.11.2016, whereby it had ordered further investigation on the point of forgery, so far as the retirement deed is concerned. It is also directed that the learned MM will give reasonable time to the IO to conduct further investigation on this point.

5. While examining the order impugned in this petition it is at once clear that the said orders are in furtherance of the directions issued by the learned ASJ and the clarification issued by this Court on 03.12.2018. By an order dated 17.12.2018, the learned MM had granted time to the IO to file a status report as sought for by him. This was after recording the submissions made by the learned counsel for the complainant. Further, it appears that no efforts have been done by the IO for procurement of the retirement deed except by giving notices to the banks. The Court also observed the notices should be given to the Income Tax Department as well.

6. The other orders impugned are also in furtherance and compliance of this order. By an order dated 25.03.2019, the learned MM had directed that

the previous order be complied with. On 29.05.2019, the learned MM had further directed that the status report be filed by the IO and had also directed him to appear in person. Similarly, by an order dated 26.07.2019, the learned MM noted that the status report had been filed and adjourned the matter on the request of the IO as he had stated that he wants to file further status report.

7. On 26.08.2019, the matter was adjourned and listed for further proceedings on 17.10.2019. On that date, that is, on 17.10.2019, the IO had stated that there are grievances of the complainant and sought further time of eight weeks to complete the investigation. In view of the above, the learned ACMM had adjourned the matter for 09.12.2019. Given the nature of the orders passed and considering that they are in conformity with the, not in interrogation of the order dated 28.08.2019 passed by the learned ASJ and the order dated 03.12.2018 passed by this Court (Crl.M.C.6108/2018), this Court is of the view that the present petition is a frivolous one.

8. In view of the above, the petition is dismissed. This Court is of the view that valuable judicial time of other litigants is elapsed by filing such frivolous petitions. This must be discouraged. In view of the above, the present petition is dismissed with costs quantified at ₹50,000/-. The costs shall be deposited with the Delhi High Court Legal Services Committee within a period of two weeks from today.

9. The pending application is disposed of.

VIBHU BAKHRU, J

NOVEMBER 01, 2019/MK