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

\+ **W.P.(CRL) 760/2019**

ANKIT GUPTA & ORS ..... Petitioners

Through: Mr Thakur Sumit, Advocate.

versus

COMMISSIONER OF POLICE & ORS ..... Respondents

Through: Ms Kamna Vohra, ASC for State.
Mr Maninder Singh, Mr Dinhar Takiar, Mr Vikram Kalra, Mr Aahil Arora and Ms Smriti Ashmita, Advocates for R-7 with Insp. Nitin Kumar, EOW/New Delhi.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 22.11.2019

1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to hand over the investigation of FIR No. 168/2016 under Sections 409/420/120B of the IPC registered with PS Economic Offences Wing, to the Central Bureau of Investigation with the direction to conduct further investigation and submit an additional chargesheet(s).

2. The petitioners are flat buyers who have invested their funds for booking flats in a real estate project to be developed by M/s Premia Projects Ltd. The petitioners have made several allegations against the promoters as

well as the directors of the said developer.

3. This Court had considered similar prayers in an earlier petition – W.P. (Crl.) 3401/2018 captioned '*Om Prakash Gautam & Ors. v. Commissioner of Police and Anr*.' – filed by certain other flat buyers. After examining the status report submitted by the investigating agency, this Court had observed that it did not find the investigation to be faulty in any manner. And, in view of the above, the prayer for transferring the investigation to another agency was declined.

4. Although it is not disputed that the allegations made in *Om Prakash Gautam* (*supra*) were similar to the ones made in this petition; the learned counsel appearing for the petitioner states that the chargesheet filed against one of the accused was not placed before this Court in that petition.

5. He further submits that not only is the manner in which the investigation is conducted but also the time consumed in the process of the investigation is relevant for determining whether the investigation is required to be transferred. He submits that for a fair investigation, it is necessary that the same be concluded expeditiously.

6. Ms Vohra, learned ASC submits that arguments on charge have been heard and an order in this regard has been reserved.

7. It is seen that a chargesheet against one of the accused has already been filed. It is stated that other accused are absconding and a supplementary chargesheet has been prepared. In the circumstances, this Court is unable to concur that the investigation has been unduly prolonged

by the investigation agency.

8. In view of the above, this Court finds no reason to accede to the prayers made in the present petition. The same are rejected.

9. It is clarified that nothing stated in this order shall be construed as an expression of opinion (*prima facie* or otherwise) on the merits of the case.

10. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

NOVEMBER 22, 2019
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