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

+ **W.P.(CRL) 1943/2019 & CRL.M.A. 31377/2019**

SANJEEV KUMAR

..... Petitioner

Through Mr Shakeel Ahmad, Mr B.D. Jha, Mr Jai Kishan, Mr Priyank Jha, Mr Sadiya Shakeel, Mr Prita Jha, Advocates.

versus

THE STATE OF NCT OF DELHI & ORS

..... Respondents

Through Ms Nandita Rao, ASC for GNCTD.  
SI Roshan Lal, P.S. Sarita Vihar.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**21.10.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

a) that Issue Writ, direction or order in the nature of mandamus directing respondent No.5 and respondent No. 6 and the other concerned police officials to file challan/charge-sheet in case FIR No. 08/2012 at P.S. Sarita Vihar, New Delhi U/s 166/167/212/217/218/221/420/406/120B/34 IRC as contained in the complaint dated 22.2.2011 allowed by Hon'bie Court of Ms. Rashmi Kujur, MM, Saket Court, New Delhi;

b) Issue Writ, direction or order in the nature of mandamus directing the respondents to make available the petitioner original RC and other original documents with regard to the purchase of vehicle Tata Indica V2 DL43R9935;

c) Issue Writ, direction or order in the nature of mandamus awarding damages for compelling the petitioner not to use the diesel car in the absence of RC, Insurance Policy etc. and the vehicle has been rendered damage for being kept in stationary condition for a long time and also for rendering the diesel car the used of which will not be legal after a lapse of 10 years from the date of its purchase.

2. The said FIR (FIR No. 08/2012, registered at P.S. Sarita Vihar) was registered pursuant to the directions passed by the learned Metropolitan Magistrate in a petition filed under Section 156(3) Cr.PC. The status report indicates that thereafter, investigation was taken up and a cancellation report was filed on 12.03.2014 vide RC No. 92/21/2014. However, the same was not accepted and the matter was directed to be re-investigated. The status report indicates that the file was lost and the matter has not progressed thereafter.

3. Ms Nandita Rao, learned ASC appearing for the State states that the matter would be duly investigated in accordance with the directions issued, within a period of four weeks from today.

4. The concerned DCP (South East) shall ensure that the matter is reinvestigated and an appropriate report is filed before the learned M.M. as expeditiously as possible and, in any event, within a period of eight weeks from today.

5. The learned counsel appearing for the petitioner prays that an order be passed staying the execution proceedings initiated by ICICI Bank Limited. The said execution proceedings (Execution Petition No. 42/2014 – new number 23525/2016 captioned “ICICI Bank v. Sanjeev Kumar”) are pending

before the learned ADJ (Central) Tis Hazari Courts, Delhi.

6. The said prayer cannot be acceded to. There is no dispute that the petitioner had availed of a loan from the ICICI Bank Limited for purchase of a motor vehicle. Admittedly, the said vehicle is in possession of the petitioner. As to whether any amount is owed by the petitioner to ICICI Bank Limited was the subject matter of Civil suit No. 315/2010, captioned “ICICI Bank v. Sanjeev Kumar”, instituted by the ICICI Bank Limited before the Additional District Judge. The said suit has fructified into a decree. Clearly, this court cannot interfere with the said decree in these proceedings. The said decree is required to be executed and no orders interdicting the same are warranted.

7. In view of the statement made by Ms Rao, learned ASC, no further orders are required to be passed in this petition. The same is disposed of with the aforesaid observations.

8. The pending application is also disposed of.

**VIBHU BAKHRU, J**

**OCTOBER 21, 2019**

pkv