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

+ W.P.(CRL) 2801/2018 and CRL.M.A. 32280/2018

RINKU BHOGAL & ANR. Petitioners

Through: Mr Jinendra Jain and Ms Aayushi
Jain, Advocates.

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: SI Amit Kumar, PS Amar Colony.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.08.2019

1. The petitioners have filed the present petition, *inter alia*, praying that an appropriate order or direction be issued to the appropriate agency for complying with the guidelines issued by the Supreme Court in *Lalita Kumari v. State of UP: AIR 2014 SC 187*.

2. The petitioners, essentially, pray that a FIR be registered in respect of a complaint dated 19.07.2018 (CCTS No. 1238/2018). The plain reading of the complaint indicates that petitioner no.1 has alleged that on 11.06.2018, certain persons had come to her house and enquired about her husband (petitioner no.2). The said persons claimed to be police officers and informed the petitioners' son that they will apprehend petitioner no. 2.

3. It is stated that petitioner no. 2 was employed with Kailash Hospital in Noida. Petitioner no.1 claimed that on the next date, that is, 12.06.2018, petitioner no.1 and her husband went to Noida Police Station, Sector-71, Phase 3, to meet the SHO. Petitioner no.1 states that about 12:00 Noon, she

and several other persons were asked to sit in a room. Petitioner no.1 alleges that one Alpesh Garg and some other persons from Kailash Hospital threatened her husband and two other persons to meet their demands failing which frivolous FIRs would be filed at several Police Stations in Uttar Pradesh. It is petitioner no.1's case that her husband was compelled to sign cheques worth ₹40,00,000/-. She states that she was brought to Delhi to pick up their cheque book from her home and then returned to Noida. She further alleges that her husband was also compelled to sign an affidavit to save their lives.

4. The respondents have filed a status report which indicates that SI Manoj Kumar visited the Police Station at Sector – 71, Phase 3, Noida. The police officials have denied visiting the petitioners' house. It is also reported that FIR No. 1154/18 dated 09.08.2018 has been registered by Chief Finance Officer, Kailash Healthcare Ltd. It is also stated that the Management of Kailash Health Care Ltd. had obtained certain reports from Shriram Institute for Industrial Research and Structural Engineers, which had indicted the team involved in Construction and supervision of the building.

5. It is reported that the complaint made by the petitioner has been transferred to SSP, Gautam Budh Nagar, Noida on 30.08.2018.

6. The learned counsel appearing for the petitioners submits that some of the allegations relate to events in Delhi and the complaint in this regard could not be transferred. He further contends that FIR No. 1154/2018 was registered on 09.08.2018, which was after petitioner no.1 had filed the complaint. A plain reading of the complaint dated 19.07.2018 indicates that

the principal grievance of petitioner no.1 is regarding her husband being forced to sign cheques for the amount of ₹40,00,000/-. The said incident is stated to have occurred at the Police Station in Noida (Noida Police Station, Sector-71, Phase 3). Although it is stated that certain persons had visited the petitioners' home on 11.06.2018, it is seen that the principal allegation relates to the next date when petitioner no.1 and her husband had gone to Noida Police Station, Sector – 71, Phase 3.

7. The learned counsel appearing for the petitioners also states that petitioner no.1 had complained that she had been brought to Delhi to pick up the cheque book from her home. However, it is seen that the said incident is stated to be a part of the coercive pressure, which is alleged to have been applied on the petitioner no.2 in Noida. It is the petitioners' case that petitioner no.1 had been brought to Delhi and taken back to Noida.

8. In view of the above, this Court finds no infirmity with the action of the respondents in transferring the complaint to the Police Station at Gautam Budh Nagar, Noida.

9. In view of the above, the petition is disposed of.

10. It is clarified that it would not preclude the petitioners to approach the concerned authorities/Courts at Uttar Pradesh in respect of any grievance that the petitioners may have.

11. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 27, 2019
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