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

+ **W.P.(CRL) 3013/2018**

RAJ GAURAV WADHWA

..... Petitioner

Through

Mr. Bakul Jain and Mr. Randeep Sachdeva, Advs.

versus

STATE & ANR.

..... Respondent

Through

Mr. Anupam S. Sharma, SPP-CBI,
With Mr. Prakash.
Inspector Chandra Prakash, P. S.
Defence Colony.

AND

+ **W.P.(CRL) 3017/2018**

JAGDEEP SINGH VIRK

..... Petitioner

Through:

Mr Gurpreet Singh and Mr Randeep Sachdeva, Advocates.

versus

STATE & ANR.

..... Respondents

Through:

Mr Ranbir Singh Kundu, ASC (Crl.)
for State with Mr Shivam Saharon
and Mr Hitesh Vali, Advocates for
State with Insp. Chandra Prakash, PS
Defence Colony.
Ms Harshlata, Advocate for Mr
Shobhit Jain, Advocate for Religare
Finvest Ltd.

AND

26.

+ **W.P.(CRL) 3018/2018**

MR. LT. GEN. R.K. MEHTA (RETD.)

..... Petitioner

Through:

Mr Gurpreet Singh and Mr Randeep Sachdeva, Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr Ranbir Singh Kundu, ASC (CrI.)
for State with Mr Shivam Saharon
and Mr Hitesh Vali, Advocates for
State with Insp. Chandra Prakash, PS
Defence Colony.
Ms Harshlata, Advocate for Mr
Shobhit Jain, Advocate for Religare
Finvest Ltd.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.10.2019

1. The petitioners have filed the present petition, *inter alia*, praying that investigations relating to FIR Nos.48/2013, 49/2013 and 50/2013 under Sections 420/468/471 of the IPC registered with PS Defence Colony be transferred to any other agency.
2. The petitioners contend that the petitioners in these petitions had purchased separate floors of the property bearing no.A-331, Defence Colony, New Delhi. It is alleged that the said properties had been sold by one Mr Naveen Malhotra (either directly to the petitioners or to certain other persons from whom the petitioners had purchased the same). It is alleged that prior to the said sale, Mr Naveen Malhotra had allegedly mortgaged the said property to certain banks/non-banking financial companies. It is stated that the same was done multiple times in connivance with the officials of banks/NBFCs.
3. The learned counsel appearing for the petitioner submits that officials

of the lending banks/NBFCs are also complicit in the matter as a loan could not be given against security of the said properties without depositing the original documents. He also states that despite making best efforts, none of the concerned banks/NBFCs had yielded the original documents of title. It is also contended that the documents had also been executed by Mr Naveen Malhotra's wife and she is also fully involved in the commission of the alleged offence.

4. It is seen from the status report that a chargesheet was filed in these FIRs and charges have been framed. The status report also indicates that investigations are still being conducted and officials of the said banks have joined the investigation. Their role in the alleged offence is yet to be ascertained.

5. Mr Kundu, learned ASC appearing for the State submits in addition to the FIRs as mentioned above there are three other FIRs that have been registered: FIR No.219/2014 under Sections 406/468/471/34 of the IPC registered with PS Defence Colony; FIR No.113/2015 under Sections 406/420/4/68/471/34 of the IPC registered with PS Defence Colony and FIR No.27/2015 under Sections 420/467/468/471/120B of the IPC registered with EOW. He states that arguments on charge in FIR No. 219/2014 under Sections 406/468/471/34 of the IPC registered with PS Defence Colony is fixed on 22.11.2019 and the arguments on charge in FIR No. 27/2015 under Sections 420/467/468/471/120B of the IPC registered with EOW is fixed on 04.11.2019.

6. Considering that the multiple chargesheets have been filed and multiple parties are involved, this Court considers it apposite to direct that all investigations in regard to the FIRs in questions, namely, FIR

Nos.48/2013, 49/2013, 50/2013, 219/2014 and 113/2015 be transferred to EOW. EOW is required to investigate the same in conjunction with the investigation pertaining to the FIR No. 27/2015. The concerned investigation agency is also required to examine the role of the bank officials as well as the wife of Mr Naveen Malhotra. The investigating agency shall also make necessary inquiries to ascertain the utilisation of the funds collected by Mr Naveen Malhotra, his wife or companies under his control, either as loans/advances from banks/NBFC's or as sale consideration of the properties in question.

7. If necessary, EOW shall file a supplementary chargesheet.
8. The petitions are disposed in the aforesaid terms.
9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

OCTOBER 31, 2019
MK