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

+ **TR.P.(CRL.) 68/2018**

NAVEEN MALHOTRA

..... Petitioner

Through: Mr. Chetan Lokur and Mr. Nitish
Chaudhary, Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr. G.M. Farooqui, APP for State
with SI Rajnish Kumar, PS-
Safdarjung Enclave and SI Kishor
Prasad, PS-Greater Kailash.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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14.02.2019

According to the office note, notice has been served upon respondent no. 2 through ordinary process. Affidavit of service too has been filed by the petitioner showing service by Speed Post, approved courier and *dasti*. Additionally, respondent no. 2 has been served through the Investigating Officer as well. Despite the same, none appears for respondent no. 2.

The learned counsel for the petitioner submits that FIR No. 53/2013 dated 22.04.2013 lodged at Police Station, Greater Kailash and FIR No. 485/2014 dated 23.06.2014 lodged at Police Station, Safdarjung Enclave essentially pertain to transaction relating to property bearing no. C-5/30, Safdarjung Development Area, New Delhi. The petitioner had filed a complaint on 17.03.2013, which subsequently got converted into FIR No.

485/2014, alleging fraud and extortion by the respondent and other persons apropos the aforesaid property and other properties. Pertaining to the same alleged sale transaction, another complaint was filed by respondent No.2 also, which had earlier been registered as an FIR No. 53/2013 at Police Station, Greater Kailash. Since the *lis* essentially pertains to the same property/alleged sale transaction and FIR No. 53/2013 was lodged at Police Station Greater Kailash, on the basis of the petitioner's complaint, and is pending before the Learned Metropolitan Magistrate - 04, Saket (South East), New Delhi, it is transferred to the Court of the Learned Metropolitan Magistrate, Karkardooma (East), Delhi, where proceedings arising out of FIR No. 485/2014 lodged at Police Station Safdarjung Enclave, are pending. The parties shall appear before the latter Court on 28.03.2019. The records of the transferred case shall be reached to the latter Court before the next date.

At this stage, prayer (b) is not pressed.

The petition is disposed-off in terms of the above with liberty to the petitioner to agitate prayer (b) in appropriate proceedings.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

FEBRUARY 14, 2019

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