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

+ **W.P.(CRL) 1239/2020**

AKHIL BHARTIYA SHANTI PRATISHTHAN Petitioner

Through Mr Rajiv Lochan, Advocate.

versus

CENTRAL BUREAU OF
INVESTIGATION & ORS.

..... Respondents

Through Mr Nikhil Goel, Advocate with

Mr Nikhil Goel, Advocate for R1 (CBI).

Mr Chetan Sharma, ASG, Mr Ajay Digpaul,

CGSC and Mr Kamal R. Digpaul, Advocates for
R3 and R7.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.08.2020

[Hearing held through video conferencing]

CRL. M.A. 11010/2020 & CRL.M.A. 1009/2020

1. Allowed, subject to all just exceptions.

2. The applications are disposed of.

W.P.(CRL) 1239/2020

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

"(a) Pass and order, directions or Writ in the
nature of Mandamus commanding the
respondents:

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 17.08.2020
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- i. To direct Respondent no.1, 2 and 3 to take action against the Respondent no. 4, 5 and 6.
- ii) To direct the Respondent no.1 and 2 to include the name of Respondent No. 4 & 6 as co-accused in the FIR executed against the Respondent No. 5."

4. The petitioner states that an FIR against respondent no.5 has already been registered, however, the other persons involved have not been included in the said FIR. The petitioner further states that it has made a complaint dated 12.01.2020 to the Directorate of Enforcement but its complaint is not being investigated.

5. Insofar as the petitioner's grievance regarding conduct of further investigation or action is concerned, this court does not consider it apposite to entertain any such prayer. The FIR has been registered and if any further investigation is required to be conducted in relation to the FIR which has already been registered, the concerned trial court exercising jurisdiction once a final report is filed, is duly empowered to direct the same.

6. Insofar as the submission of the learned counsel for the petitioner regarding registration of FIR against respondent nos. 4 and 6 is concerned, the petitioner has an alternate remedy by filing a complaint under Section 154 (3) of the CrPC as well as under Section 156(3) of the CrPC. The Supreme Court has in a number of cases (*Sakiri Vasu v. State Of Uttar Pradesh And Others: (2008) 2 SCC 409* followed in *Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and Others: (2016) 6 SCC 277* and more recently in *M. Subramaniam and Another vs S. Janki and Anr. Criminal Appeal No. 102/2011 decided on 20.03.2020*), held that it is

necessary for the complainant to exhaust all alternate remedies before approaching the High Court.

7. In view of the above, the present petition is dismissed. All remedies of the petitioner are reserved.

VIBHU BAKHRU, J

AUGUST 17, 2020
pkv

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Signed By: DUSHYANT
RAWAL
Location:
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