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

+ **W.P.(CRL) 1312/2020**

KLJ RESOURCES LTD & ANR. Petitioners

Through: Mr Yash Anand, Advocate.

versus

THE STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr Rahul Mehra, Standing Counsel
(Crl.) with Mr Chaitanya Gosain and
Mr Divyank Tyagi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.08.2020**

[Hearing held through video conferencing]

CRL.M.A. 11595/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1312/2020

2. The petitioners have filed the present petition, *inter alia*, praying that directions be issued for registration of the FIR. The learned counsel for the petitioners submits that the petitioners are victims of fraud, which extends to several crores. According to the petitioners, the accused had tendered a flat, which was already mortgaged. He states that the petitioners had filed a complaint in the month of November, 2019 yet no action has been taken. He further submits that the matter has been sent to authorities at Mumbai, which is impermissible.

3. The principal grievance of the petitioners is regarding non registration of the FIR. Undeniable, the petitioners have alternative remedies under Sections 154(3) and 156(3) of the Cr.PC, which have not been exhausted. The Supreme Court, has in a number of cases has expressed its view that this Court ought not to exercise its jurisdiction unless the petitioner has exhausted its alternative remedies (*See: Sakiri Vasu v. State Of Uttar Pradesh And Others: (2008) 2 SCC 409, Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and Others: (2016) 6 SCC 277 and M. Subramaniam and Another vs S. Janki and Anr. Criminal Appeal No. 102/2011 decided on 20.03.2020.*)
4. The petition is, accordingly, disposed of with liberty to the petitioners to avail of alternative remedies.

VIBHU BAKHRU, J

AUGUST 26, 2020
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