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

+ W.P.(CRL) 2080/2018

MOHIT GUPTA

..... Petitioner

Through: Mr Anupam S. Sharma with Mr
Prakash Airan and Mr Apoorv
Bansal, Advocates.

versus

STATE OF DELHI & ORS

..... Respondents

Through: Mr Sanjay Lao, ASC for State with
Mr Karan Jeet Sharma, Advocate.
Mr Saurabh Kansal and Mr Shallaj
Kumar, Advocates for R-6.
Ms Ashu Chaudhary, Advocate for R-
7 & 8.
Inspector Umesh Sharma, EOW Cell.
Mr Lalit Gandharva, Advocate for R-
10.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.01.2020

1. The petitioner has filed the present petition, *inter alia*, praying that investigation in relation to FIR No. 0049/2018 under Sections 406/420/120B of the IPC registered with PS Economic Offences Wing be transferred to any other agency.
2. The petitioner has made a serious allegation against the Investigating Officer who was in charge of the investigation. It is alleged that he had sought illegal gratification for pursuing with the matter.
3. The petitioner has also sent several representations to the police authorities stating that witnesses are being threatened and the investigation

is being conducted in a biased manner.

4. Mr Lao, learned ASC states that there can be no objection if further investigation is transferred to any other police agency.

5. In view of the allegations made, this Court has examined the allegations made against the Investigating Officer and several representations made by the petitioner. Considering the same, this Court considers it apposite to direct that the investigation relating to FIR in question (FIR bearing no. 0049/2018 under Section 406/420/120B registered with Police Station EOW) be transferred to the DIU, West District from the EOW Cell. It is so directed. The Commissioner of Police is directed to pass necessary directions for transferring further investigation in terms of the aforesaid order.

6. It is clarified that none of the observations made in the present petition should be construed as an expression of opinion (whether *prima facie* or otherwise) on the merits of the allegations made by the petitioner, both against the Investigating Officer or against the accused persons.

7. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

JANUARY 13, 2020
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