



\$~91

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

+ **W.P.(CRL) 1005/2023**

AJAY VERMA

..... Petitioner

Through: Mr. Sunil Choudhary and Ms. Preeti Shah, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Nandita Rao, ASC for State with SI Deepak Kumar, PS Anand Vihar.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.02.2024

%

1. This writ petition has been filed on behalf of the Petitioner under Articles 226/227 of the Constitution of India, seeking the following reliefs:-

“a) Issue a writ in the nature of mandamus directing the respondent to file the status of the investigation as on date in the FIR No. 0119/2018 PS ANAND VIHAR U/S 420/406/34.

b) Direct the respondent completes the investigation and file the charge sheet before the ld. Trial Court so as to taking the investigation to logical end.

b) Such further or other orders as may be deem fit and proper in the present facts and circumstances of the case.”

2. Status report has been filed on behalf of the Respondent. It is stated that the present FIR No. 119/2018 dated 05.04.2018 under Sections 420/406/34 IPC was registered at PS: Anand Vihar, Delhi on complaint of Ajay Verma, wherein he alleged that in 2005 when he was looking for a residential accommodation, he met Pankaj Madan, Vikas Madan, Ms. Sona



etc. who introduced themselves as renowned property dealers and on their advise, he agreed to join Safdarjung CGHS Limited, a society, located at 20, Jagriti Enclave, Delhi. He also handed over a cheque of Rs.9,00,000/- to Pankaj Madan and Vikas Madan and the remaining amount of Rs.42,100/- was paid in cash, though no receipt was issued. Thereafter in April, 2012, Petitioner was asked to pay a further sum of Rs.35,00,000/- which he did in three instalments. No receipt was handed over despite repeated requests by the Petitioner. It was later that the Petitioner realised that he had been cheated and lodged a complaint.

3. It is further stated in the status report that during course of investigation complainant was examined and notice under Section 91 Cr.P.C. was served on him for production of documents, which he did on 08.05.2018. Bank statements of the complainant were sought from the Punjab National Bank which reflected transactions from his account into the account of the society. Notice was also served on the Director of Delhi Co-operative Housing Finance Co-operation Limited seeking some information as well as on other concerned persons. On 03.07.2023, Pankaj Madan joined investigation and was interrogated. He stated that he had resigned from the society on 12.09.2022 and was never a part of the Managing Committee. He also denied having any dealing with the complainant. The other accused Santokh, Sona, Narendra Dheer have been interrogated. On 13.12.2018 and 05.01.2019, notices under Section 91 Cr.P.C. were sent to the office of the liquidator seeking documents which are in the possession and custody of the liquidator, however, no response was received. On 24.07.2023, fresh notice was sent to the newly appointed liquidator Sh. D. Kartiken (Director, NDMC) and as per the response received, the records of the society are



lying in the office of the Divisional Commissioner. As soon as the records are received, it is stated that final report under Section 173 Cr.P.C. will be filed in the concerned Court.

4. Ms. Nandita Rao, learned ASC assures the Court, on instructions, that Shri T. Tarun Kumar has been appointed as the new liquidator and request has been sent to him for providing the records. As soon as the records are provided for inspection, every endeavour shall be made to conclude the investigation as expeditiously as possible and the Charge Sheet shall be filed. According to Ms. Rao, it is the non-availability of the records of the society which is causing a delay in the investigation.

5. From the chronology of dates in the status report, there is no doubt that there is some delay in conclusion of the investigation process. As per learned ASC, a large part of the delay is attributable to non-availability of the records of the society which are in custody and possession of the liquidator. It is the stand of the State that efforts are being made to inspect the record and request letters have been sent to the learned liquidator in this behalf. Be that as it may, the present petition is disposed of taking on record the assurance given on behalf of the Respondent that reminders will be sent to the learned liquidator Shri T. Tarun Kumar to make available the relevant records of the society for inspection by the investigating officer and every endeavour will be made thereafter to conclude the investigation fairly, impartially and expeditiously.

6. No further orders are required to be passed at this stage in the present petition, save and except, that the Respondent shall remain bound by the assurance given to the Court to conclude the investigation expeditiously. Needless to state that if the Petitioner has any surviving/further grievance,



he will be at liberty to take recourse to such remedies as may be available in law.

JYOTI SINGH, J

FEBRUARY 29, 2024/pa/shivam