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

+ **W.P.(CRL) 1509/2020**

SHALINI SINGH

.....Petitioner

Through: Counsel for Petitioner (appearance
not given).

versus

THE STATE & ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Lavkant PS Pandav
Nagar.
Mr. Rajesh Kumar, SPC with Mohd.
Changez Ali Khan, Ms. Mishika
Pandita, Mr. Rahul Kumar Sharma
and Mr. Yash Narain, Advocates for
CBI & UOI.
Mr. Nikhil Jain for United Insurance
Company Ltd.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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10.01.2025

CRL.M.A. 535/2025 (For Restoration)

1. The Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S'.*) has been filed on behalf of the Petitioner/Complainant, for restoration of the main Petition, which had been withdrawn by the Complainant *vide* Order dated 01.05.2024.
2. It is submitted in the Application that the Investigating Officer had misrepresented on 20.07.2023 before this Court that though, 200 witnesses have been cited, about 60 witnesses have been examined and since other



witnesses are residing in various far flung areas, the conclusion of the investigation is taking some time. It was further stated that the investigation process would be completed within three months and Charge-Sheet would be filed.

3. The Court *vide* the said Order granted three months' time for the conclusion of investigations, considering that this FIR was of the year 2020; further directions were given to complete the investigations expeditiously. Since then, the Closure Report has been filed in the present FIR, before the learned Chief Metropolitan Magistrate on 13.04.2024. A Protest Petition has also been filed on 19.04.2024, in the said matter.

4. *Learned counsel on behalf of the Petitioner* submits that though, in the Writ Petition, there were 9 Reliefs, which were sought by the Complainant but the others have all been resolved except Relief No. 3 wherein directions were sought to be given through Respondent No. 2, to register the FIR against the accused persons, under Section 13(1) of the *Prevention of Corruption Act, 1988* read with Section 409 and 120B of the *Indian Penal Code, 1860* (hereinafter referred to as 'IPC') or to transfer the FIR No. 0027/2020 filed at Police Station Pandav Nagar, Delhi-110091, under Respondent No. 3 to Respondent No. 2.

5. *Learned ASC appearing on behalf of the State*, submits that all the allegations and the averments being made *herein*, have already taken by the Petitioner, in his Protest Petition. Moreover, the question of transferring of the investigations, may be addressed before the learned Trial Court as the Closure Report has already been filed. There is no merit in the present Application, which is liable to be dismissed.

6. **Submissions heard and record perused.**



7. The *first grievance* of the Petitioner, is that while it had been stated that 60 witnesses have been examined but in the Closure Report, it is indicated that there are 19 witnesses, who have been examined. Therefore, Perjury has been committed by the Investigating Officer.
8. It has been clarified that 19 witnesses recorded, are the customers while in all about 60 witnesses have been recorded, during the investigation. *Prima facie*, no Perjury *per se* can be stated to have been committed by the Investigating Officer.
9. The second main grievance is that the FIR No. 0027/2020, should be transferred to the CBI but since the Closure Report has already been filed, all the grievances may now be agitated before the appropriate Forum.
10. There is no ground for revival of the present Writ Petition, which is hereby dismissed.
11. The Application is disposed of accordingly.

NEENA BANSAL KRISHNA, J

JANUARY 10, 2025/RS