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

+ **W.P.(CRL) 2142/2022**

MUKESH KUMAR GUPTA

..... Petitioner

Through: Mr. Aditya Sharma, Advocate
alongwith Petitioner in person.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Amol Sinha, ASC (Crl.) for State
with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Ms.
Chavi Lazarus and Mr. Arjun Singh Kadian,
Advocates with SI Kavish Rana, PS Laxmi Nagar.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.02.2024

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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) Direct the Respondents to conduct fair investigation in the FIR No. 411/2017 registered on 31.07.2017 at P.S. Shakarpur, Delhi under section 420 of the Indian Penal Code in a time bound manner;

B) Direct the Respondent to take necessary action against the Investigating Officers for not carrying out their duties diligently and causing arbitrary delay in conducting the Investigation and not filing the charge-sheet in the FIR No. 411/2017; and

C) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Status report has been filed on behalf of the State. It is the case of the Respondent that on a complaint made by Mr. Mukesh Kumar Gupta, ex-President of Safdarjung CGHS Society, FIR No. 411/2017 was registered under Section 420 IPC. Complainant alleged that Mr. Pankaj Madan and his brother Vikas Madan, portraying themselves to be property dealers, advised



him to join their society namely, Safdarjung CGHS Society at 20, Jagriti Enclave, Anand Vihar, Delhi as the society had been allotted 5,000 sq. ft. housing land by the DDA at Dhirpur Housing Complex. It was assured that all documents were in order and construction will commence soon. Complainant joined as a member of the Society and deposited Rs.9,41,100/- for the land immediately. Subsequently, on further demand, Complainant paid Rs.12,00,000/-, in four instalments. In 2014, Petitioner was elected as President of the Society and on scrutiny of the documents and the accounts, several irregularities were noticed including misappropriation of the money given by him. Notice under Section 91 Cr.P.C. was served on the Registrar, Co-operative Societies and others connected to the matter including the Complainant, Bank Managers etc. and Pankaj Madan, Vikas Madan and others allegedly involved in the irregularities joined investigation. Questioned documents were sent to FSL and report has been received.

3. Learned counsel for the Petitioner states that the investigation is proceeding at a very slow pace and is not likely to conclude soon, which is detrimental to an investigation process and as a result, those responsible for irregularities, embezzlement, misappropriation etc. are enjoying the proceeds of crime. It is also urged that the Deputy Commissioner of Police (DCP), East District, Delhi had penned down a 'Supervisory Note', after reviewing the investigation process and had directed that investigation would be carried out as per the procedure detailed and enumerated therein, however, despite this road map having been prepared to guide and regulate the investigation process, the same is not being followed.

4. Mr. Amol Sinha, learned ASC points out that there is no unnecessary delay in carrying out the investigation and the same is being carried out



in consonance with the Supervisory Note. It is further assured that investigation shall be completed within a maximum period of two months from today and in accordance with the guidelines in the Supervisory Note dated 03.12.2018. In view of the argument of the Petitioner that investigating agency has taken the specimen signature of the Complainant but not of the persons under investigation, it is stated that the needful will be done at the appropriate stage.

5. There can be no doubt on the proposition that delay in an investigation process can be fatal to the very purpose of investigation, in a given case. In order to ensure fair, impartial and expeditious investigation, the DCP, East District, Delhi had penned down a Supervisory Note laying down the manner and methodology for conduct of the investigation. While there is a dispute between the parties on whether the required procedure is being followed or not, it would suffice at this stage to dispose of this petition by taking on record the assurance given on behalf of the State that investigation process shall be concluded within two months from today, in accordance with the guidelines formulated in the Supervisory Note as well as the required procedure as per law, including taking specimen signatures of the persons, under investigation. No further orders are required to be passed in the present petition at this stage. Needless to state that if Petitioner has any surviving grievance, he would be at liberty to take recourse to appropriate remedies available in law.

6. Petition stands disposed of.

JYOTI SINGH, J

FEBRUARY 29, 2024/pa/shivam