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

+ **TR.P.(CRL.) 8/2025**

MOHD. EILWA GHONIM SHALABY

.....Petitioner

Through: **Mr. Rakesh Malhotra, Advocate.**

versus

ANKUR AGGARWAL AND ORS.

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.01.2025

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1. The present petition seeks transfer of Complaint Case no. 6229/2023 titled *Mohammed Eliwa Ghonim Shalaby v. Ankur Aggarwal & Ors.*, which is pending adjudication before the Chief Metropolitan Magistrate¹, Patiala House Courts, New Delhi. The aforesaid compliant case has been instituted pursuant to complaints filed by the Petitioner before the CMM under Sections 200 and 156(3) of the Code of Criminal Procedure².

2. During the proceedings in the aforesaid compliant case *vide* order dated 2nd April, 2024, the CMM called for a status report from the Economic Offences Wing, New Delhi³. Pursuant thereto, the EOW informed the Court that during enquiry it has been revealed that the alleged offence has occurred in a Singapore based company, having been committed by an Indian

¹ "CMM"

² "Cr.P.C."

³ "EOW"



National and therefore, the EOW does not have jurisdiction to investigate the matter and have in fact transferred the present complaint to the Central Bureau of Investigation⁴ for taking necessary action. In light of the above, counsel for the Petitioner urges that since the investigation has been transferred to the CBI, the trial of the compliant case should also be done by a court having competent jurisdiction over CBI – i.e., Court of CMM at Rouse Avenue Courts, New Delhi.

3. The Court has considered the submissions of the Petitioner and perused through the status report filed by the EOW. Since the investigation in the matter has been transferred to the CBI by the EOW, the Court finds merit in the submission of the Petitioner that the complaint case should also be tried by a court having competent jurisdiction.

4. Accordingly, the Complaint Case No. 6229/2023 presently pending before the CMM, Patiala House Courts, New Delhi is transferred to the Court of CMM at Rouse Avenue Courts for adjudication, in accordance with law.

5. With the above direction, the instant transfer petition stands disposed of.

6. A copy of this order be sent to the Principal District and Sessions Judge of the Patiala House Court and Rouse Avenue Court respectively, for necessary information and compliance.

SANJEEV NARULA, J

**JANUARY 21, 2025/
as**

⁴ “CBI”