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

+ W.P.(CRL) 39/2022 & CrI.M.As.435/2022, 5885-86/2022

ASHA GANDHI

.....Petitioner

Through: Ms. Simran Khurana, Advocate

versus

STATE & ORS.

....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma, Mr. Amit
Sahni, Mr. Vasu Agarwal, Advocates,
Insp. Muneesh Kr., PS Ambedkar
Nagar and SI Uday Narayan Dubey,
DIU/N

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

30.01.2025

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”) [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023] has been filed on behalf of the petitioner seeking the following reliefs:

“a) Issue a writ in the nature of mandamus or such other appropriate writ directing Respondent No.1 & 2 to register an FIR on the basis of the complaints dated 02.09.2021 and 19.12.2021; and

b) Issue a writ in the nature mandamus or such other appropriate writ directing Respondent No.1 & 2 to seize and take control of the Petitioner’s documents, including her identity cards and cheque books in possession of Respondent No.3-6; and

c) Issue a writ in the nature mandamus or such other



appropriate writ directing Respondent No.1 to transfer all pending complaints bearing Nos. (i) DD No.72 A dated 27.08.2021 registered at PS Wazirabad; (ii) Reference Complaint No. 1137-R-C/ACP/DIU/North dated 28.09.2021 (iii) No.7579/R/ACP/Sec-11/EOW, New Delhi dated 10.12.2021 lodged by Respondent No.3-6 against the Petitioner to a single police station; and

d) Issue a writ in the nature mandamus or such other appropriate writ directing Respondent No.1 & 2 to not summon the Petitioner to the police station and any statement required by Respondent No.1 & 2 may be recorded at her residence or through virtual means.

e) Pass such other and further order(s) as deemed fit and proper in the facts of the present case. ”

2. Learned counsel for the petitioner, on instructions, submitted that the petitioner is not pressing prayers (a), (b) and (d) of the instant petition. She confines her submissions to prayer (c), seeking directions to the respondent No. 1 to transfer all pending complaints against her namely (i) DD No.72 A dated 27th August, 2021 filed by respondent No. 6 at Police Station - Wazirabad; (ii) Reference Complaint No.1137-R-C/ACP/DIU/North dated 28th September, 2021; and (iii) Complaint No.7579/R/ACP/Sec-11/EOW, New Delhi dated 10th December, 2021 to a single police station.

3. Learned ASC for the State has referred to the paragraph no. 1 of the status report filed by Inspector Pardeep Singh, DIU North, Delhi submitting to the effect that DD No.72 A dated 27th August, 2021 filed by the respondent No. 6 at Police Station - Wazirabad has been already transferred to District DIU, District North, Timar Pur, Delhi vide diary no. 1137/R/ACP/DIU/N dated 28th September, 2021 for further enquiry. The relevant portion of the status report reads as under:



“1. It is submitted that on 27/08/2021, a complaint was received at P.S. Wazirabad, Distt. North, Delhi vide D.D. no. 72A dated 27/08/2021 from one Sh. Sachender Pratap Singh S/o Sh. Vikram Singh Rana R/o H. No. 329, Rangpuri Village, Dada Bhaiya Market, New Delhi -37 regarding Cheating, Criminal Breach of Trust, threat of life etc against the Petitioner herein i.e. Ms. Asha Gandhi and Sh. Arun Malhotra. Further, on the request of Sh. Sachender Pratap Singh, the said complaint was transferred to District Investigation Unit, District North, Timar Pur, Delhi vide diary no. 1137/R/ACP/DIU/N Dated 28/09/2021 for further enquiry.”

4. Learned ASC further submitted that the third complaint, i.e., Complaint No.7579/R/ACP/Sec-11/EOW, New Delhi dated 10th December, 2021, was filed by the complainant/respondent no. 5 namely Mrs. Anjali Mathur before the Economic Offence Wing. It is submitted that despite repeated requests, the complainant failed to participate in the enquiry or provide any supporting documents for her allegations. The only documents submitted were copies of payment receipts, which were unsigned, non-notarized and lacked witness attestation concerning the alleged payments executed between the petitioner and the respondent No. 5. In light of the said submission, learned ASC placed reliance upon paragraph no. 4 of the status report dated 3rd April, 2024 filed by the EOW which reads as under:

“4. Despite the repeated requests, complainant did not join the enquiry and never provided any other documents in support of her allegations. The complainant submitted the copy of payment receipts with the complaint which are not signed, non-notarized or having no witness of the alleged payment dated 05.08.2018 and 15.03.19 allegedly executed between Mrs. Asha Gandhi (alleged/present petitioner) and Mrs. Anjali Mathur (complainant). Further, the complainant was requested to provide the addresses of other alleged persons Ritesh Sinha and Ahbishek Aggarwal but she did not provide any detail.”



5. Learned ASC for the State further submitted that in view of the aforesaid facts, the relief sought by petitioner in prayer (c) has become infructuous. It is submitted that since nothing is now left for further adjudication by this Court, the instant petition may be disposed of.

6. Heard learned counsel for the parties and perused the material placed on record.

7. Upon perusal of contents of the present petition and the status reports filed by the EOW as well as by DIU, North, this Court is satisfied with the submissions advanced by the learned ASC for State that prayer (c) of the instant petition which is being pressed by the petitioner has now become infructuous.

8. Since nothing is left for further adjudication, the instant writ petition along with pending applications, if any, stands disposed of.

CHANDRA DHARI SINGH, J

JANUARY 30, 2025

Rt/ryp

Click here to check corrigendum, if any