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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TR.P.(CRL.) 41/2024 & CRL.M.A. 12264/2024

THE HIGH COURT OF DELHI THROUGH REGISTRAR

GENEREAL

.....Petitioner

Through: Mr. Prithvi Sabharwal, Advocate

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
state with SI Nikhil Singh, PS EOW
Mr. Ramakant Gaur, Ms. Harshi
Gaur, Ms. Meenakshi Sahu,
Advocates for R-2
Mr. Tushar Swami, Mr. Prakhar
Singh Senger, Advocates for R-4 to 6

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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29.07.2025

1. The present petition under Section 447 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 407 read with Section 482 of the Code of Criminal Procedure, 1973¹) seeks the following relief:

“A. Allow the present petition and transfer the Cr. Case No. 7622/2018 (FIR No.24/2008, Police Station Economic Offences Wing) under Sections 406/420/465/468/471/120B IPC & section 82 of the Registration Act titled as “State Vs. Mahant Surender Nath & Others” pending before the Court of Ms. Deepti Devesh, Chief Metropolitan Magistrate, South East District, Saket Courts, New Delhi to the Court of Sh. Sumeet Anand/or Successor Court, Chief Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi where the Criminal Complaint No. 01/1/2011 (New Case No. 514737/2016)

¹ “Cr.P.C”



titled as “Registrar General, Delhi High Court Vs. Mahant Surender Nath & Another” is pending and now listed for 26.04.2024.

B. Pass such further order(s) and/or direction(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case and in the Interest of Justice.”

2. Mr. Pritish Sabharwal, counsel for the Petitioner states that FIR No. 24/2008 as well as the complaint under Section 340 of Cr.P.C arise from the same set of allegations as both the cases have been registered pursuant to a judgment dated 12th December, 2007 passed by this Court in CS(OS) No. 451/2000. The said judgment, Mr. Sabharwal points out while adjudicating the suit, directed that a copy of the order be also sent to the Economic Offences Wing and further directed the Registrar General of this Court to file a complaint under Section 340(1) of Cr.P.C. The two cases were registered as per the said directions. It is thus contended that in case the matters are not heard by one Court, it could result in multiplicity of opinion.
3. In the opinion of the Court, having regard to the fact that both the FIR and the complaint originate from the common set of facts, it would be in the interest of justice that both the cases are heard by one Court.
4. Although the Petitioner has made the request for transfer of FIR No. 24/2008 from the Court at Chief Metropolitan Magistrate, Saket Courts to the Chief Metropolitan Magistrate, Tis Hazari Courts, Mr. Ramakant Gaur, counsel for Respondent No. 2, points out that Respondent No. 2 is suffering from paralysis and since his movement is restricted, he requests that the matters be instead transferred to the Saket Courts.
5. In light of the above, having regard to the circumstances pointed out by Mr. Gaur, the instant petition is disposed of with a direction that Criminal Complaint No. 01/1/2011 (New Case No. 514737/2016) titled as “**Registrar**



General, Delhi High Court v. Mahant Surender Nath & Another'' pending before Chief Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi be transferred to the Court of competent jurisdiction dealing with Cr. Case No. 7622/2018 (FIR No.24/2008 registered at P.S. Economic Offences Wing under Sections 406/420/465/468/471/120B of the Indian Penal Code, 1860 and Section 82 of the Registration Act, 1908) titled as “***State v. Mahant Surender Nath & Others***”.

6. In view of the above, the present petition is disposed of along with pending application.

7. Copy of the order be sent to the concerned Principal District & Sessions Judge.

SANJEEV NARULA, J

JULY 29, 2025/ab