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

+ **CRL.M.C. 3911/2024 & CRL. M.A. 14935/2024**

GAURAV GOSWAMI

.....Petitioner

Through: Mr. Mohit Jolly, Mr. Rajan Sharma,
Ms. Shikha Bhardwaj and Ms. Tanisha
Gopal, Advocates

versus

STATE AND ORS

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State with Inspr. Karmveer Singh, PS
Kalkaji

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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14.01.2025

1. The present petition has been filed seeking following relief:

“a. Pass an order setting aside the Impugned Order thereby remanding back the matter to the any other Ld Sessions Court in the district to decide the matter as per merits/facts of the case.

b. Pass an order setting aside the Impugned Order dated 25-04-2024, passed by the Sh. Rajnesh Kumar Gupta, Principal District and Sessions Judge Saket Courts New Delhi in case titled as Gaurav Goswami Vs State Crl Rev No. 168/2022 filed against the order dated 05-04-2022 passed by the LD MM Saket Courts New Delhi in CC No. 299/2022 titled as Gaurav Goswami vs State and Ors.”

2. Essentially the grievance of the petitioner is that his application under Section 156 Cr. P.C. was dismissed. He submits that the dismissal has been premised on a status report filed by the police which states that the matter is of



civil nature.

3. Learned counsel for the petitioner further submits that on the basis of similar applications filed by other flat buyers under Section 156 (3) Cr.P.C., FIRs were directed to be registered.

4. Learned APP, on instructions from the IO, who is present in Court states that the complaint of the present petitioner will be added to the existing FIR No. 106 of 2022 registered at Police Station Kalkaji, New Delhi and the present petitioner will be treated as one of the complainants and his complaint will also be investigated.

5. Learned counsel for the petitioner submits that the course proposed by the learned APP will take care of the petitioner's grievance and he would not press his petition.

6. In view of the above, respondent/State is directed to treat the complaint of the present petitioner as part of the FIR No. 106 of 2022, registered at Police Station Kalkaji and the petitioner may also be treated as a complainant.

7. Needless to say that the complaint of the petitioner, which have different set of facts, will also be investigated by the IO concerned.

8. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 14, 2025

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