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

+ **TR.P.(CRL.) 41/2025, CRL.M.A. 15541/2025**

GUNJAN

.....Petitioner

Through: Mr. Ranbir Sharma and Mr. Rohit
Sharma, Advocates.

versus

KAPIL ARYA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **19.05.2025**

1. The present petition under Section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 407 of the Code of Criminal Procedure, 1973²) seeks transfer of Complaint Case No. 7797/2018 from the Court of Judicial Magistrate First Class³, Patiala House Court, New Delhi to the concerned JMFC, South District, Saket Courts, New Delhi.
2. During the course of proceedings in the aforesaid case, the Trial Court, requisitioned an enquiry report under Section 202 of the Cr.P.C. from the State regarding contentions raised by the Petitioner. In this regard, report furnished by the State stipulates:

“Sir, Most respectfully it is submitted that this Hon'ble court passed an order dated 11.03.2024 and found that an enquiry U/s 202 CrPC is deemed appropriate on some points mentioned in the order dated

¹ “BNSS”

² “Cr.P.C.”

³ “JMFC”



11.03.2024. In this regard it is submitted that the complainant has alleged that Kapil Arya took Rs. 2.5 Lacs on 05.10.2015 from the complainant on pretext to get a job to the complainant as a teacher. As per the complainant the amount was paid by the complainant at the office compound of Safdarjung Airport near Lodhi Road under the jurisdiction of PS Tughlak Road, Distt. New Delhi. Thereafter an amount of Rs. 2,00,000/- was given by the complainant to the alleged on 16.12.2015 and Rs. 3,00,000 on 03.02.2016. Thereafter when the alleged could not make his promise he agreed to give her money back. On 05.03.2017 a cheque of Rs. 4,50,000 bearing no 515834, dated 30.07.2017 was issued in the name of the mother of the complainant. Another cheque of Rs. 1,00,000 bearing no 515836, dated 30.07.2017 was issued in the name of the complainant and also promised to pay the rest of the amount in cash. Both the cheques returned unpaid when complainant tried to encash the same.

In this regard an enquiry into the matter was conducted and as per the enquiry conducted so far the address of the complainant as well as the alleged does not fall under the jurisdiction of PS Tughlak Road, New Delhi. The complainant has stated in his complaint that the initial amount of Rs. 2,00,000/- was given to the alleged at the office compound of Safdarjung Airport near Lodhi colony, New Delhi. In this regard it is further submitted that neither office compound of Safdarjung Airport near Lodhi, Road falls under the jurisdiction of PS Tughlak Road, New Delhi. As per the record of PS Tughlak Road and date mention by the complainant, no complaint has been received at PS Tughlak Road, New Delhi in the name of complainant Gunjan against Kapil Arya. The address of the alleged was also visited but he was not found present. As per the order of the Hon'ble court enquiry on the points mentioned in the order much enquiry could not be conducted as the same does not fall under the jurisdiction of PS Tughlak Road, Distt. New Delhi. It is further submitted that office compound of Safdarjung Airport near Lodhi Road falls under the jurisdiction of PS Lodhi Colony, South District (Saket Court Complex). However, if the Hon'ble court desires to conduct the enquiry by Police official of PS Tughlak Road, New Delhi Distt. Then some time may please be given to conduct the enquiry. The undersigned is abode by all the directions passed by the Hon'ble Court."

3. As is evident from the above, the officials from P.S. Tughlak Road have indicated that they do not have the jurisdiction to conduct the enquiry as directed by the Court, since the situs of the offence, as alleged in the compliant, is an office compound of Safdarjung Airport near Lodhi Road which falls within the jurisdiction of P.S. Rohini, South District (Saket).



4. In light of the foregoing, the Petitioner has filed the instant petition seeking transfer of the ongoing proceedings from the Courts in Patiala House District Courts to Saket District Courts.
5. The Court has considered the submissions advanced by the counsel for Petitioner. Since the Trial Court has not taken cognizance as yet, this Court finds no reason to call for a response from the Respondent, as they are presently only proposed accused. Furthermore, in light of the report furnished by P.S. Tughlak Road, it is clear that the competent police station which has jurisdiction to conduct the necessary enquiry under Section 202 of Cr.P.C. is P.S. Lodhi Colony, which comes under the ambit of the Saket District Courts.
6. In view of the foregoing, the request made in the present application is allowed and it is directed that the Complaint Case No. 7797/2018 which is presently pending before the Court of JMFC, Patiala House Court, New Delhi be transferred to the court of competent jurisdiction in South District, Saket Courts, New Delhi.
7. Copy of the order be sent to the concerned Principal District and Sessions Judges for necessary information and compliance.
8. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

MAY 19, 2025

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