

Sh. Sumit Kumar Singhal And Anr vs Union Of India And Ors on 15 December, 2020

Author: Yogesh Khanna

Bench: Yogesh Khanna

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 2091/2020

SH. SUMIT KUMAR SINGHAL AND ANR

Through: Mr.N.K.Aggarwal, Advocate

versus

UNION OF INDIA AND ORS.

Through: Mr.Jivesh Kumar Tiwari

Counsel for UOI.

Mr.Rahul Mehra, Stand

(Crl),Mr.Chaitanya Go

with SI Deshpal, PS S

State.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% 15.12.2020

1. The hearing has been conducted through Video Conferencing.
2. Exemption allowed, subject to all just exceptions.
3. The application stands disposed of.

W.P.(CRL) 2091/2020

4. This petition is filed with the following prayers:-

a) Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondents to conduct fair and proper inquiry in terms of e-mail dated 15.10.2020 whereby the Commissioner, Delhi Police has acknowledged the complaint and referred it to the Special Commissioner of Police, BOW vide Dy. No. 68024/email dated 14.09.2020 after transfer of inquiry of pending complaint dt.13.01.2020 and complaint lodged through email dt. 16.01.2020 from local police to the Economic Offence, Delhi Police for fair, proper and unbiased inquiry/ investigation within a fix time period and/or under the supervision of this Hon'ble Court;

b) Issue a writ of continuing mandamus or any other appropriate writ, order or direction to the Respondents for not transferring the inquiry of pending complaints to Senior Superintendent of Police, Uttar Pradesh, and for filing compliance report fortnightly for monitoring the pending inquiry/ investigation on the criminal complaint lodged against the builder;

c) Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondents for conducting inquiry and fixing of responsibility for failure to initiate any action upon the complaint dated 13.01.2020 (sent through speed post) and 16.01.2020 (through email) lodged by the petitioners in respect of financial frauds by the wrongdoers/ Builders;"

5. Issue notice. Learned standing counsel accepts notice and states that earlier the complaint was lodged with the EOW Cell on 18.05.2020 which was then referred to SSP Gautam Budh Nagar since EOW Cell was of the opinion that they did not have the territorial jurisdiction in the matter. However, SSP, Gautam Budh Nagar again returned it to the DCP, Delhi stating inter alia that registered office of the accused company is at Shahdara, hence the Delhi Police shall have the jurisdiction.

6. On 24.09.2020 the matter was transferred to Police station, Shahdara and thus the complaint is pending inquiry with police station Shahdara only.

7. It is submitted by learned standing counsel that the complainant was instructed to join the investigation and clarify certain issues which the Inquiry Officer has in the present matter but he did not appear before the Inquiry Officer even once and as such he submits that in case he cooperates in inquiry, then action as per law shall be taken by the concerned Inquiry Officer.

8. It is submitted by learned counsel for the petitioner that the petitioner will appear before the concerned Inquiry Officer for inquiry and shall visit the SHO, Police Station Shahdara to clarify the issues as raised, on 20.12.2020 at 2 PM.

9. List on 15.01.2021.

YOGESH KHANNA, J.

DECEMBER 15, 2020/VLD