



\$~56

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

+ **W.P.(CRL) 1824/2025**

MEHBUB HUSSAIN

.....Petitioner

Through: Mr. Ashok K. Singh, Ms. Ankita
Baluni, Mr. Deepak Kumar,
Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the State
with Mr. Sangeet Sibou, Mr. Priyansh
Raj Singh Sengar, Mr. Aniket Kumar
Singh, Advocates with SI Maya
Shankar, PS Preet Vihar
Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

29.05.2025

CRL.M.A. 17157/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(CRL) 1824/2025

4. The present writ petition seeks quashing of criminal proceedings emanating from FIR No. 241/2016 under Sections 420 and 34 of the Indian



Penal Code, 1860¹ registered at P.S. Preet Vihar, Delhi as well as proceedings initiated by the Court of ACMM, Karkardooma Courts, Delhi in CT Case No. 2500/2017 in relation to the said FIR.

5. Counsel for the Petitioner, by placing reliance on orders dated 12th January, 2018 and 14th January, 2018 passed by this Court in W.P.(CRL) 961/2017, submits that as per the status report furnished by the State, the aforementioned FIR No. 241/2016 stood transferred to P.S. Dispur, District Kamrup, Assam for investigation. Thus, he argues that in light of this transfer, the Court of ACMM, Karkardooma Courts erred in passing the order dated 14th March, 2022, directing the SHO, Preet Vihar to bring back the entire record of FIR No. 241/2016 from P.S. Dispur, District Kamrup, Assam to P.S. Preet Vihar, Delhi.

6. The Court has heard the counsel and perused the impugned order dated 14th March, 2022, passed by the ACMM, Karkardooma Courts. It is noted that the ACMM directed bringing back the record of FIR No. 241/2016, observing that in absence of any order of the Supreme Court, the investigation in the FIR pertaining to one State could not have been transferred to another State. Moreover, the Court also laid emphasis on the lack of intimation under Section 157 of the Cr.P.C given to the jurisdictional Court subsequent to the transfer of investigation.

7. The matter deserves consideration. Thus, it is considered appropriate to seek a response from the Respondents.

8. Issue notice. Mr. Rahul Tyagi, ASC for the State, accepts notice. Let the Reply/Status Report be filed on or before the next date of hearing. Respondent No. 2 who is present in person before this Court accepts notice

¹ “IPC”



and is also permitted to file a Reply, if necessary, on or before the next date of hearing.

9. List for consideration on 13th August, 2025.

CRL.M.A. 17158/2025 (for stay)

10. Counsel for the Petitioner submits that during the pendency of the present proceedings before this Court, the ongoing proceedings before the Court of ACMM (East) Karkardooma Courts ought to be stayed, since the Petitioner cannot be compelled to join investigation before two police stations as it amounts to double jeopardy.

11. The Court has considered the contentions. At the outset, it must be noted that the order impugned of the ACMM, which is sought to be challenged in the present petition, pertains to the year 2022. The Petitioner has not explained the delay of 2 years in approaching the Court for assailing the said order.

12. Furthermore, a concerning fact has been pointed out to the Court by Respondent No. 2, the Complainant, who appears in person and highlights that the record of FIR No. 241/2016, which was sought to be brought back to P.S. Preet Vihar, is in fact, untraceable. In this regard, on 10th February, 2023, the ACMM passed the following order:

“CT Cases 2500/2017

S.S. Khullar vs. SHO Preet Vihar

(Preet Vihar)

10.02.2023

At 11.14 am

Present: None for complainant.

Mr. Shoaib Haider, APP for State. Debojit Borkakati, Ld. counsel for DCP, Gowahati.

Memo of appearance be filed in the course of the day.

It is submitted by the DCP that the record of FIR No. 241/16 of

PS Preet Vihar (corresponding FIR No. 598/16 PS Dispur) is not traceable and therefore, cannot be returned and action has been



initiated against the concerned IO, who has misplaced the said record.

Report in this regard with copy has been filed.

The DCP is discharged with direction to file report regarding the action initiated against the concerned IO for misplacing the said record within one month's time.

Copy of order is given dasti.

Notice to the SHO PS Preet Vihar returned served on Insp. Neeraj with request.

Notice is issued to the IO Insp. Neeraj with direction to file detailed report on the course of action being taken regarding the missing record of FIR no. 241/16 PS Preet Vihar including reconstruction of record, returnable on NDOH.

Put up for status on above/further submissions on the application dated 31.08.2022 on 25.04.2023."

13. The above order clearly indicates that the record of the FIR 241/2016 cannot be returned back as it is not traceable. In light of the above, it transpires that the rights of the Respondent No. 2, the Complainant, are being severely prejudiced. Despite lodging of the FIR till date, the investigation is not complete and no chargesheet has been filed either by the P.S. Dispur, District Kamrup, Assam or P.S. Preet Vihar, Delhi.

14. In light of the foregoing, the prayer sought in the present application is declined.

15. Accordingly, the present application is disposed of.

SANJEEV NARULA, J

MAY 29, 2025/ab