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

CNR No. DLHC010042002026

+ **W.P.(CRL) 432/2026 & CRL.M.A. 3995/2026**

MS. R

.....Petitioner

Through: Petitioner in person.

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Insp. Santosh Chauhan.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

17.08.2026

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), in relation to **FIR No. 391/2020** registered at Police Station Madhu Vihar under Sections 376, 506 and 509 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') seeking the following reliefs:

“a) Issue an appropriate writ, order or direction require direction or order of this Hon'ble Court to the respondents to re-appreciations of evidence in unbiased and logical way and according to law within a time bound period.

b) Issue an appropriate writ, order or direction require direction or order of this Hon 'ble Court to the respondents to decide the matter of tempering in



MLC in the instant Case and give direction order to the respondent to give monetary compensation to the petitioner to the extent she bear the losses due to the faulty investigation of the respondent.

c) Pass an order to Respondent No 2 to take disciplinary action against delinquent and eering police officials

d) Pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice."

3. The case of the complainant is that she was known to accused in the abovementioned FIR, Amit Nawani, since 2009 and that, during the course of their association, he subjected her to sexual acts without her consent and also threatened and harassed her. The complainant also alleged involvement of other persons, namely Gunjan Dhamija, Shashi Dhamija and Ajay Kaushik, in the incidents complained of and in the subsequent harassment. On the basis of the complaint, FIR No. 391/2020 was registered at Police Station Madhu Vihar under Sections 376, 506 and 509 IPC. Upon completion of investigation, the police filed the main charge-sheet against Amit Nawani but did not send the other persons for trial. Later on, Supplementary Charge-sheet-I was filed on 04.11.2022, and, after further investigation, Supplementary Charge-sheet-II was filed on 22.11.2025.

4. It is the case of the petitioner that despite repeated representations and proceedings before the learned Trial Court and this Court, the investigation in the abovementioned FIR has not been conducted fairly and the material furnished by her has not been properly considered by the investigating agency. The petitioner had earlier approached this Court again in *W.P.(CRL.) No. 2799/2024*, which was disposed of vide order dated 10.09.2024, with liberty to the petitioner to furnish additional evidence warranting further



investigation. Upon completion of the further investigation, Supplementary Charge-sheet-II was filed on 22.11.2025. It is further her case that, despite furnishing additional material thereafter, including electronic material, call recordings, WhatsApp communications and material concerning certain mobile numbers, the same has not been properly investigated. The petitioner also alleges tampering/interpolation in the MLC and submits that the said allegation has not been properly investigated. On these grounds, the petitioner seeks, inter alia, re-appreciation of the evidence and further investigation into the aforesaid aspects.

5. The petitioner submits that the investigation has been conducted in an arbitrary and unfair manner and that the investigating agency has failed to properly investigate the role of the other persons named by the petitioner or consider the material furnished by her from time to time.

6. It is submitted that, despite the petitioner furnishing additional material, including electronic evidence, call recordings, WhatsApp communications and material concerning certain mobile numbers, the same has not been properly investigated. The petitioner also alleges that the identification of the place of occurrence and the relevant records connected therewith were not properly investigated.

7. The petitioner further submits that the allegation regarding tampering/interpolation in the MLC was also not properly investigated despite the petitioner having raised the issue before the investigating agency.

8. It is submitted that the petitioner had earlier approached this Court in *W.P.(CRL.) No. 2799/2024* and, despite the liberty granted therein to furnish additional evidence, the subsequent investigation did not properly consider the material furnished by her and culminated in Supplementary Charge-sheet-



II. The petitioner accordingly submits that the investigation remains incomplete and biased.

9. Petitioner submits that the aforesaid circumstances violate the petitioner's right to fair investigation under Article 21 of the Constitution and prays for appropriate directions for re-appreciation of the material and further investigation in accordance with law.

10. *Per contra*, Learned APP for the State opposes the present petition and submits that the investigation in FIR No. 391/2020 has been conducted in accordance with law and that the material furnished by the petitioner during further investigation was duly examined.

11. It is submitted that the petitioner had earlier approached this Court seeking further investigation and was granted liberty vide order dated 10.09.2024 to furnish any additional evidence which may warrant further investigation under Section 173(8) Cr.P.C. Pursuant thereto, the material furnished by the petitioner was examined and a second supplementary charge-sheet was filed.

12. Learned APP submits that the allegations regarding tampering of the MLC have been examined during investigation. The original MLC was obtained and examined and the petitioner's signature was found at the place where the alleged cuttings had been made. The allegation of tampering was therefore not substantiated. It is submitted that the issue is, in any event, a matter which can be considered in the pending trial.

13. Learned APP further submits that the electronic material furnished by the petitioner, including printouts of messages, WhatsApp chats and transcripts of audio recordings, was duly examined. However, the petitioner did not produce the original electronic device for verification and stated that



the same would be produced before the learned Trial Court. Consequently, the authenticity and integrity of the electronic material could not be independently verified.

14. It is submitted that the mobile numbers and other particulars mentioned in the material furnished by the petitioner were verified, but no details of the sender or receiver could be established. No sufficient independent or corroborative material emerged during investigation to substantiate the allegations against the persons placed in Column No. 12.

15. Learned APP submits that, upon consideration of the material collected during further investigation, no sufficient evidence was found to charge-sheet Prabha Nawani, Gunjan Dhamija, Shashi Dhamija and Ajay Kaushik. Their names have accordingly been retained in Column No. 12.

16. Learned APP submits that the allegations regarding GST fraud and money laundering are beyond the scope of the present FIR and do not have any bearing upon the investigation in the present case.

17. Learned APP accordingly submits that no ground is made out for interference by this Court in exercise of its extraordinary/inherent jurisdiction and the present petition is liable to be dismissed.

18. I have heard the petitioner in person and learned APP for the State and have perused the material placed on record.

19. The principal grievance of the petitioner is that the investigation in the aforesaid FIR has not been conducted in a fair and proper manner and that material furnished by her has not been appropriately considered by the investigating agency. The petitioner, therefore, seeks, inter alia, re-appreciation of the evidence by the respondent and further investigation into various aspects of the case.



20. At the outset, it is necessary to notice the course which the investigation and the proceedings arising therefrom have taken.

21. The FIR was registered on 30.12.2020. Upon completion of investigation, the charge-sheet dated was filed against accused Amit Nawani under Sections 376/506/509 IPC, while the other persons named by the petitioner were not sent up for trial. The petitioner thereafter approached this Court by way of *W.P.(CRL.) No. 2218/2021*, seeking re-investigation on the ground that material allegedly available with her had not been considered by the Investigating Officer. The said petition was withdrawn with liberty to the petitioner to approach the learned Trial Court and file a protest petition, and the learned Trial Court was directed to consider whether further investigation was warranted.

22. The petitioner thereafter filed a protest petition before the learned Metropolitan Magistrate on 14.03.2022. During the said proceedings, the learned Trial Court directed further investigation with respect to the role of the other persons named by the petitioner. Pursuant thereto, supplementary charge-sheet I was filed on 04.11.2022.

23. The investigation was thereafter transferred to the DIU pursuant to the order dated 05.01.2024. The petitioner subsequently raised further grievances concerning the conduct of the Investigating Officer. An application filed by the petitioner under section 91 of the Cr.P.C. was also dismissed by the Ld Trial Court on 01.03.2024.

24. The petitioner approached this Court by way of *W.P.(CRL.) No. 2799/2024*, seeking, inter alia, constitution of a Special Investigation Team for conducting further investigation, further investigation into FIR No. 391/2020, quashing of the supplementary charge-sheet I, setting aside of the



order transferring the case to the DIU, and directions in relation to application under Section 91 Cr.P.C. The petitioner also sought action against the concerned respondents and compensation on account of the alleged biased investigation and other grievances.

25. The said petition was disposed of by this Court vide order dated 10.09.2024. This Court took note of the fact that the Investigating Officers had already been changed at the request of the complainant and that the investigation appeared to have been monitored. The Court found no ground to interfere with the investigation merely because the charge-sheet had not been filed against the other family members. At the same time, the petitioner was granted liberty to furnish any additional piece of evidence if the same warranted further investigation under Section 173(8) Cr.P.C. The relevant portion of the order reads as under:

“Admittedly, chargesheet has been filed after investigation and case is pending at stage of committal. Learned trial court has pointed out in impugned order that Investigating Officers have been changed at request of complainant and as such investigation appears to have been monitored. No grounds are disclosed for interfering in the investigation by way of present petition, merely because the chargesheet has not been filed arraying other family members as accused. However, petitioner is at liberty to furnish any additional piece of evidence, if the same calls for further investigation under Section 173(8) Cr.P.C., in accordance with law.”

26. The petitioner thereafter availed of the liberty so granted. On 10.02.2025, she filed an application before the learned Sessions Court seeking directions to the Investigating Officer in relation to the evidence stated to have



been furnished by her on 06.04.2023. In the proceedings arising therefrom, the Investigating Officer appeared before the learned Sessions Court on 26.09.2025 and sought further time to consider the material furnished by the petitioner. The petitioner thereafter furnished material to the concerned police officials on 06.10.2025 and further additional material on 15.10.2025. The further investigation thereafter culminated in the filing of Supplementary Charge-sheet-II.

27. The aforesaid chronology demonstrates that the grievance of the petitioner regarding the investigation has been the subject matter of repeated consideration before different forums and that the investigating agency has, at various stages, been required to reconsider the material and undertake further investigative exercises. The record, therefore, does not disclose a case where the investigating agency has simply ignored the petitioner's grievance without any subsequent investigative exercise.

28. The petitioner has raised grievances regarding the non-consideration of electronic material, mobile-number details, alleged tampering of the MLC and the conduct of the investigating officers.

29. On consideration of the record, it is evident that the investigation has been conducted at different stages. The Investigating Officers have been changed, the investigation was transferred to the DIU, and further investigation was conducted pursuant to the liberty granted by this Court. In these circumstances, no such deficiency in investigation as alleged by the petitioner is made out as would warrant interference by this Court.

30. The distinction between further investigation and re-appreciation of the material already investigated is also relevant. Further investigation is a continuation of the investigation for the purpose of collecting or considering



further material and it cannot be used merely as a means of requiring repeated reconsideration of the same material because a complainant seeks a different conclusion. In the present case, the petitioner was specifically granted an opportunity to furnish additional evidence, which opportunity she availed of, and further investigation was thereafter undertaken.

31. This Court is also conscious that a fair investigation is not synonymous with an investigation conducted according to the satisfaction of the complainant. The complainant is entitled to insist upon a fair and lawful investigation; however, once the record demonstrates that the investigating agency has undertaken the investigative exercises warranted by the material placed before it, and no fundamental or demonstrable failure is shown, mere dissatisfaction with the conclusions reached cannot, by itself, furnish a ground for directing another investigation.

32. Consequently, this Court finds no ground to issue a direction for re-appreciation of the evidence in the manner sought by the petitioner, nor is any ground made out for directing a fresh or further investigation in exercise of the extraordinary jurisdiction of this Court.

33. Accordingly, the present petition is dismissed. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits or evidentiary value of any material forming part of the criminal proceedings pending before the learned Trial Court.

34. Pending application(s), if any, also stand(s) disposed of.

35. The order be uploaded on the website forthwith.

MADHU JAIN, J

AUGUST 17, 2026/JYH/sd