



\$~39

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

CNR No. DLHC010195872026

+ **CRL.M.C. 3473/2026 and CRL.M.A. 14091/2026**

SURESH SINGH & ANR. Petitioners

Through: Mr. Rishi Raj Sharma, Advocate.

versus

STATE GNCT OF DELHI & ANR. Respondents

Through: Ms. Shubhi Gupta, APP for State with
SI Udit, PS Ranhola.

Ms. Shraddha Saxena, Mr. Vijhay
Prakash Saxena, Ms. Gagan, Mr.
Saurabh and Ms. Aakriti, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

31.08.2026

The matter was listed for 27.08.2026 and is taken up today as 27.08.2026 was declared a holiday.

1. By way of the instant petition, the petitioners seek to challenge the order dated 09.04.2025 passed by JMFC-08, West, THC, Delhi in relation to FIR No.480/2013 registered at PS Ranhola, Delhi whereby, the Court has allowed the application filed by the complainant under Section 242 of Cr.P.C. and has directed for further investigation.
2. Learned counsel appearing on behalf of the petitioner submits that the impugned order is in violation of principles of natural justice. The



substantial rights of the petitioner for fair trial have been adversely affected, that too, when a complaint dated 19.04.2011 i.e. much prior to the date of incident and another complaint dated 03.06.2017, which was after sufficient time from the date of incident have been directed to form part of the charge sheet. It is contended that the charge sheet was filed in the year 2016; the prime witness of the prosecution was being examined and in order to fill the lacuna of the prosecution, the instant application came to be filed.

3. Submissions made on behalf of the petitioners are vehemently opposed by Ms. Shubhi Gupta, learned APP for the State as well as learned counsel for respondent no.2/complainant. They contend that the Court is fully empowered to direct for further investigation. Learned APP points out that in any case, pursuant to the directions passed by the trial Court on 09.04.2026, the blood stained clothes were already seized and were sent for FSL examination on 21.05.2026.

4. Ms. Shraddha Saxena, learned counsel for the complainant has drawn the attention of the Court to annexure P-3 i.e. copy of the charge sheet and also the averments made in the petition *vide* paragraph no.2 thereof. Paragraph no.2 of the petition is extracted as under:-

“2. By the impugned order, the Ld. JMFC has allowed an application filed by the Complainant, purportedly under Section 242 CrPC, and has directed the IO/SHO to conduct further investigation with respect to an alleged blood-stained kurti and certain complaints, and thereafter to file a supplementary chargesheet. No notice was issued to the accused. Even the copy of the said application u/Sec. 242 CRPC was not supplied to the accused.”

5. The Court finds that the impugned order came to be stayed by this Court on 05.05.2026, therefore, the seizure of the blood-stained clothes should not have taken place. The petitioners were admittedly not heard prior



to the passing of the order dated 09.04.2026. The incident dates back to 30.11.2013, and the trial is currently at the stage of prosecution evidence. When an application for further investigation was moved after such a long gap in the year 2026, nothing prevented the concerned Court from allowing the accused an opportunity to make their submissions.

6. The Supreme Court in *Luckose Zachariah v. Joseph Joseph*,¹ relying upon *Vinubhai Haribhai Malaviya v. State of Gujarat*,² has reiterated that Article 21 of the Constitution of India demands a fair and just investigation, and while the Magistrate possesses the supervisory jurisdiction under Section 173(8) of the Cr.P.C. to order further investigation, such discretion must be exercised strictly in accordance with law and the principles of natural justice, ensuring procedural fairness so as to prevent prejudice to the accused during trial.

7. Bearing in mind the overall facts and circumstances, this Court deems it appropriate to set aside the order dated 09.04.2026. The concerned Court is directed to re-hear the parties and shall pass a fresh order within a reasonable period of time. Further action shall depend upon further orders to be passed by the concerned Court.

8. With these observations, the instant petition stands disposed of.

9. All rights and contentions of the parties are left open. Pending application also stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 31, 2026

Nc/sa

¹ (2024) 14 SCC 232

² (2019) 17 SCC 1