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

CNR No. DLHC010236602026

+ **W.P.(CRL) 1662/2026**

SARA CARRIERE DUBE

.....Petitioner

Through: Mr. Naseem Ahmed, Ms. Aditi
Ladda, Ms. Yukta Chauhan, Advs.

versus

THE STATE (NCT) OF DELHI AND ORS. Respondents

Through: Mr. Rahul Tyagi, ASC

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **21.08.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Articles 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking directions to respondents No. 1 to 4 for fair and time-bound investigation of **FIR No. 285/2023**, registered at Police Station Saket, District South, Delhi under Sections 403/406/120-B/34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC')

BRIEF FACTUAL MATRIX

3. Briefly stated, **FIR No. 285/2023** under Sections 403/406/120-B/34 of the IPC was registered at Police Station Saket, District South, Delhi on 12.08.2023, pursuant to the order dated 02.08.2023 passed by the learned ACMM under Section 156(3) of the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C'). The aforesaid FIR concerns the alleged removal of the petitioner's articles from a jointly held bank locker and the alleged involvement of respondent No. 5 and the concerned bank officials.



4. As the investigation remained pending, the petitioner moved an application dated 21.11.2024 before the learned ACJM seeking monitoring thereof. In the status report dated 19.12.2024, the Investigating officer (IO) stated that respondent No. 5 had not joined the investigation and that it remained pending. *Vide* order dated 17.01.2025, the status report filed by the IO was found to be “*factually incorrect*” and the concerned ACP was directed to monitor the investigation weekly. Subsequent orders also recorded lack of substantial progress and non-filing of reports by the supervisory officers.

5. Despite the IO stating on 20.12.2025, that the investigation was almost complete, no police report had been filed as on the date when the present petition was instituted. During its pendency, it was submitted on behalf of the petitioner, and not disputed by the State, that a police report had been filed placing respondent Nos. 5 and 6 in Column No. 12 and that a protest petition objecting to such placement was pending before the learned Trial Court. Aggrieved by the alleged failure to conduct and supervise the investigation in accordance with the judicial directions, the petitioner has filed the present petition.

SUBMISSIONS BY PARTIES

6. Learned counsel for the petitioner submits that the petitioner and respondent No. 5 jointly held a locker with Union Bank of India, Saket Branch. That although its original key remained with the petitioner, respondent No. 5 allegedly obtained a duplicate key, operated and surrendered the locker without her knowledge or consent, and removed the jewellery and other articles kept therein. He further submits that the Bank itself acknowledged that the locker could not ordinarily have been broken open or surrendered without the consent of both holders.

7. It is further submitted that, despite the petitioner’s complaint dated



27.08.2022, the FIR came to be registered only on 12.08.2023, pursuant to an order dated 2.08.2023 passed by the learned ACMM under Section 156(3) of Cr.P.C. and that even thereafter, no substantial progress was made, compelling the petitioner to seek monitoring of the investigation.

8. Learned counsel for the petitioner draws the attention of this Court to the order dated 17.01.2025, whereby the learned ACJM found the status report filed by the IO to be 'factually incorrect' and observed that his conduct did not inspire confidence. The concerned ACP was consequently directed to monitor the investigation on a weekly basis

9. It is further submitted that the repeated directions issued to the IO, ACP and DCP were not complied with and that inconsistent status reports were placed before the learned ACJM

10. Learned counsel further submits that respondents No. 5 and 6 have been placed in Column No. 12 of the police report, against which the petitioner has filed a protest petition. It is clarified that the petitioner does not seek examination of the police report in the present proceedings and confines her surviving grievance to the alleged non-compliance with the earlier judicial directions.

11. Learned Standing Counsel for the State, *per contra*, submits that the investigation has been concluded and the police report has already been filed before the competent Court. The principal relief seeking completion of a fair and time-bound investigation, therefore, no longer survives.

12. It is further submitted that the petitioner's objection to the placement of the named persons in Column No. 12 concerns the merits of the police report. Since the petitioner has already instituted a protest petition, the said grievance falls for consideration of the learned Trial Court in accordance with law.



13. It is, accordingly, submitted that no further direction in the present writ petition is called for and that all objections concerning the police report may be urged in the pending proceedings before the learned Trial Court.

ANALYSIS AND FINDINGS

14. This Court has heard the learned counsels for the parties and perused the material placed on record.

15. The principal relief sought in the present petition was for a fair, effective and time-bound investigation in **FIR No. 285/2023**. It is not disputed that, during the pendency of the present proceedings, the investigation was concluded and a police report was filed before the learned Trial Court. Insofar as the petitioner sought conclusion of the investigation within a fixed period, the said relief does not survive for consideration. Thus, to the extent the petitioner sought conclusion of the investigation within a fixed period, the said relief does not survive.

16. The petitioner's grievance concerning the placement of respondent Nos. 5 and 6 in Column No. 12 is already the subject matter of a protest petition pending before the learned Trial Court. The said grievance, therefore, falls for consideration before that Court in accordance with law

17. It is settled law that a Magistrate is not bound by the opinion expressed in a police report and may, upon consideration of the material and the objections of the informant, pass such order as is permissible in law. Reference in this regard is made to **India Carat Pvt. Ltd. v. State of Karnataka, (1989) 2 SCC 132**. In view of the protest petition already pending, this Court does not consider it appropriate to examine the merits of the police report in the present proceedings.

18. The petitioner has also sought departmental action against the



investigating and supervisory officers on the basis of the observations made by the learned ACJM during the course of monitoring. The observations relied upon by the petitioner were made during the course of monitoring the investigation and do not constitute a final determination of misconduct. In the absence of such determination by the competent authority, no direction for disciplinary action is warranted

19. Once the police report has been filed, no case is made out for directing the investigating agency to take coercive action against a particular person or to reach a particular conclusion regarding the role of the bank officials. All such objections remain open to be urged before the learned Trial Court in the pending protest proceedings.

20. In view of the foregoing, no further direction is warranted in exercise of the extraordinary writ jurisdiction of this Court.

21. Accordingly, the present petition is dismissed. Pending application(s), if any, also stand(s) disposed of.

22. It is, however, clarified that nothing herein contained shall be construed as an expression on the merits of the case.

23. A copy of this order be sent to the learned Trial Court for necessary information and compliance.

24. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 21, 2026/PG