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

CNR No. DLHC010424812026

+ **W.P.(CRL) 2768/2026, CRL.M.A. 27846/2026, CRL.M.A. 27847/2026 & CRL.M.A. 27848/2026**

TINKU DIWAKAR

.....Petitioner

Through: **Mr. Utkarsh Kumar, Advocate.**

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: **Ms. Rupali Bandhopadhyaya, ASC with
Ms. Amisha Gupta, Advocate for the
State.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.09.2026

1. 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, seeking transfer of the investigation of FIR No. 135/2026, registered at Police Station Mandawali Fazalpur, Delhi, for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, from the local police to an independent investigating agency, and for certain consequential reliefs, including the preservation of the electronic and other evidence, and the grant of protection to the petitioner and the material witnesses.

2. For the sake of clarity relief clause is extracted as under:



“A. Issue an appropriate writ, order or direction thereby transferring the investigation of FIR No. 135/2026 dated 26.05.2026 registered at PS MandawliFazalpur, Delhi from the local police to an independent investigating agency, such as a Special Investigation Team (SIT), the Vigilance Unit, the Crime Branch, or any other independent agency as this Hon'ble Court may deem fit, under the supervision of an officer not below the rank of Deputy Commissioner of Police.

B. Issue an appropriate writ directing that none of the police officials against whom allegations have been levelled, directly or indirectly, shall participate in, supervise or influence the investigation in any manner whatsoever.

C. Direct the independent investigating agency to immediately seize, preserve and subject to forensic examination the Original DVR, CCTV footage and all electronic evidence forming part of the present case.

D. Direct preservation and collection of all electronic evidence, digital records, CDRs, tower location records, GPS records, wireless logs, police station CCTV footage, malkhana CCTV footage, movement registers, DD entries, beat registers and all connected official records.

E. Direct registration of an appropriate criminal case against the delinquent police officials, if during investigation it is found that false evidence was fabricated or contraband was planted upon the petitioner.

F. Direct production of the entire original case diary and all investigation records before this Hon'ble Court whenever called for.

G. Direct the respondents to provide adequate protection to the petitioner, his family members and material witnesses from any threat, coercion, intimidation or harassment during the pendency of investigation.

H. Pass appropriate directions for preservation of all electronic evidence till conclusion of investigation and trial.

I. Award costs of the present proceedings in favour of the petitioner.”

3. Counsel appearing for the petitioner submits that the investigating agency is not considering the relevant evidence, which, according to the petitioner, would establish his innocence and false implication.

4. Ms. Rupali Bandhopadhyia, ASC for the State, on instructions, fairly submits that, in the event the petitioner furnishes the said evidence, the same shall be considered by the investigating agency, and an appropriate decision shall be taken thereon.

5. I have heard counsel for the parties and perused the record.



6. The petitioner is directed to furnish all relevant material to the concerned investigating officer within a period of seven (7) days from today.
7. The investigating officer shall consider the same, and shall take an appropriate decision thereon, in accordance with law.
8. In the event that the grievance of the petitioner is not mitigated, he shall be at liberty to take such appropriate recourse as may be available in law.
9. The petition, along with the pending applications, stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 17, 2026

aks/Ad