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

+ W.P.(CRL) 123/2016

SHOKHISTA SHUKROVA

..... Petitioner

Through: Ms. Indra Jai Singh, Sr. Adv. with
Mr. Rajeshwar Singh, Ms Mrina Lini
and Ms Radhika, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Anil Soni, CGSC for R-1 with
Mr. Naginder Benipal, Adv.
Mr.Rajesh Mahajan, ASC for State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

31.03.2016

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1. This petition has been filed by the petitioner with the following prayer:

- (i) Issue a writ, order or direction in the nature of mandamus directing the respondents No.1 to 3 to transfer and entrust the investigation of the case FIR No.1113/2015 under Section 365/34 IPC PS Kotla Mubarakpur, South District, New Delhi to Central Bureau of Investigation (R-4) and further direct the respondent No.4 to carry out a speedy and expeditious investigation in the aforementioned case within a specified time;
- (ii) Issue a writ, order or direction in the nature of mandamus directing the respondent No. 1 to 3 to hand over the investigation of case FIR

No.1113/2015 under Section 365/34 IPC PS Kotla Mubarakpur, South District, New Delhi to Central Bureau of Investigation as per the condition precedent under Section 6 of Delhi Police Establishment Act, 1946 if applicable in this case;

(iii) Issue a writ, order or direction in the nature of mandamus directing the respondent No.2 to initiate disciplinary proceedings against the SHO, Mr.Sushil Kumar and ASI Satbir Singh of PS Kotla Mubarakpur for their misconduct, negligence and misdeeds as they have not taken cognizance on the information of missing report on 24.09.2015 and if they acted on receipt of such information the precious life of the daughter of the petitioner could be saved or prevented;

(iv) Issue a writ, order or direction in the nature of mandamus direct the respondents to pay suitable compensation to the petitioner which this Hon'ble Court deem fit and proper for the negligent action, misconduct and misdeed of the respondents.

(v) Issue a writ, order or direction in the nature of mandamus directing the respondents to provide adequate security to the petitioner, her daughters, relatives, sympathizer during their stay in India.

2. On the last date of hearing i.e. 08.02.2016 Mr. Rajesh Mahajan, ASC for the State informed the Court that the government has decided to give consent for transfer of the investigation of the case to CBI.

3. Today Mr. Rajesh Mahajan, ASC for the State has submitted that in the meantime as period of 90 days was going to expire, charge sheet was filed. Status report to the following effect has also been placed on record which reads as under:-

“In continuation of previous status report it is submitted that investigation in the case has been completed and the charge-sheet u/s 365/302/201/34 IPC has been filed before the Court of Sh. Ashok Kumar, ld. MM, Saket Court, Delhi on 12/2/16 vide RC no.30/21/16”.

4. Ms Indra Jai Singh, learned Senior Advocate has submitted that the petitioner is not satisfied with the manner of investigation carried out in this case. The petitioner has already filed an application before the ld. MM for directing further investigation in the matter but by which agency further investigation is required to be carried out, cannot be determined till the application seeking further investigation is disposed of.
5. It is submitted that the petitioner wants to keep all rights reserved which includes prayer for further investigation by CBI. But as the charge-sheet has been filed in the matter, petitioner may be permitted to withdraw this petition with liberty to avail the remedy as per law as and when necessity arises.
6. In view of submissions made by learned counsel for the petitioner, the writ petition is dismissed as withdrawn with liberty as prayed.
7. Copy of this order be given dasti.

PRATIBHA RANI, J.

MARCH 31, 2016

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