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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2877/2016

RAJESHWARI

..... Petitioner

Through: Petitioner in person.

versus

THE COMMISSIONER OF POLICE & ANR

..... Respondents

Through: Mr. Anuj Aggrwal, Advocate with
Mr. Shubhanshu Gupta, Advocate for
respondent No.1.

Mr. Jitendra Kumar Tripathi, Advocate
with Mr. Umesh Sharma, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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01.04.2016

CM Appl. 12065/2016 (exemption) in W.P.(C) 2877/2016

Allowed, subject to just exceptions.

W.P.(C) 2877/2016 & CM Appl. 12064/2016

Present writ petition has been filed seeking a direction to the respondents to suspend/remove the accused i.e. Ramen Kumar Jha from Police service during the pendency of the case being CC No.929/2015.

Petitioner, who appears in person, states that though an FIR has been registered being FIR No.822/2014 under Sections 328, 354-A, 354, 506, 34 IPC and Section 67 of the Information and Technology Act, 2000 against

Mr. Ramen Kumar Jha, the then SHO of Police Station Karawal Nagar, yet neither the trial Court nor the police is arresting Mr. Ramen Kumar Jha. Petitioner states that fellow Police officials are influencing the investigation. She also states that the charge-sheet is a 'weak one' and the matter needs further investigation.

A perusal of the paper book reveals that a charge-sheet has already been filed and is pending adjudication in a criminal Court.

If the petitioner wishes to seek any further investigation, she is free to file an application under Section 173(8) of the Code of Criminal Procedure.

Also if the petitioner is aggrieved by any order of the Magistrate, her remedy lies by filing appropriate legal proceedings under the Code of Criminal Procedure and not by filing a writ petition.

This Court also finds that the Inspector Ramen Kumar Jha has already been transferred from Karawal Nagar. Further as the charge sheet has already been filed, there is no question of Inspector Ramen Kumar Jha or his colleagues influencing the investigation.

Accordingly, with the aforesaid liberty and observations, present writ petition and application are disposed of.

Order dasti.

MANMOHAN, J

APRIL 01, 2016

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