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

+ **W.P.(CRL) 1670/2016**

SWEETY

..... Petitioner

Through: Mr.M.T. Malik and Mr.Rabneet S.
Rai, Advocates.

versus

STATE & ORS.

..... Respondents

Through: Ms.Nandita Rao, A.S.C. for the State
with Insp. Shiv Raj Singh Bisht, PS
Amar Colony

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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25.05.2016

Crl. M.A. 8688/2016

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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1. By way of this writ petition filed under Article 226 of the Constitution of India, read with Section 482 Cr.P.C., petitioner is seeking directions for transfer of investigation in FIR No. 1028/2014, under Section 498A/406/34 IPC, registered at PS Amar Colony, New Delhi to any other independent agency i.e. CBI/Crime Branch.
2. Notice. Ms.Nandita Rao, A.S.C. for the State accepts notice on behalf of the State.

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3. Let status report be filed before the next date.
4. It is informed by learned ASC for the State that charge-sheet has already been filed in the matter.
5. This is a case under Section 406/498A/34 IPC, wherein no investigation by CBI is required to be conducted.
6. Learned counsel for the petitioner has relied upon judgment of the Supreme Court in ***Dharam Pal Vs. State of Haryana & Ors.***, decided on 29th January, 2016 submitting that the investigation may be handed over to CBI.
7. Even in the ***Dharam Pal Vs. State of Haryana & Ors.***, relied upon by the petitioner, in paragraph 20 it was observed as under:

“.....We are absolutely conscious that direction for further investigation by another agency has to be very sparingly issued.....”

8. In ***State of West Bengal and Ors. Vs. The Committee for Protection of Democratic Rights, West Bengal and Ors.*** (2010) 3 SCC 571 the Supreme Court in paragraph 46 observed as under:

“46. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these Constitutional powers. The very plenitude of the power under the said Articles requires great caution in its exercise. In so far as the question of issuing a direction to the CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide

credibility and instill confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise the CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”

9. The present case does not fall in any of the above category, nor are the circumstances such as to transfer the investigation to CBI.
10. The petition is dismissed.

PRATIBHA RANI, J.

MAY 25, 2016
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