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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4419/2015
KRISHNA RANI

..... Petitioner

Through: Mr. C.S. Rathor, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondent

Through: Mr. Ashish Dutta, Additional Public
Prosecutor for the State with Sub-
Inspector Surender Singh, Police
Station Fateh Pur Beri, Delhi

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI
ORDER
% **07.01.2016**

By this petition filed under Section 482 of Cr. P.C., the
petitioner seeks the following directions:

- a) Issue appropriate order or direction, directing the concerned respondents to initiate appropriate inquiry against dereliction of duties, sexual assault, misbehaviour and misconduct of the IO/Sub-Inspector Surender and the Inspector Suresh Chand SHO of Police Station Fatehpur Beri, District South, Delhi in the case of the petitioner on the basis of her written complaint of dated 12.10.2015, take appropriate action as per law and intimate the petitioner in writing accordingly;

- b) Issue appropriate order or direction directing the respondents to take their immediate legal action as per law on the written complaint of the petitioner dated 12.10.2015 by registration of the crime/FIR under Section 354, 509, 384, 420, 506, 120-B/34 of IPC and other relevant provisions of the IPC against the IO/Sub-Inspector Surender and Inspector Suresh Chand, SHO of Police Station Fatehpur Beri, (South Distt) Delhi and thereafter transfer the investigation of all the cases of the petitioner from the said Police Station to any other competent investigating agency for speedy and fair investigation etc in the interest of justice.”

In the considered opinion of this court, the Legislature was wise enough to provide remedy to aggrieved persons. Under Section 154(3) of Cr. P.C., if the person is aggrieved for not registering the case by the SHO, then the aggrieved person could approach the Superintendent of Police/DCP for directing the SHO to record the FIR.

In the absence of exercising the remedy under Section 154(3) of Cr. P.C., by the petitioner, this court is of the considered opinion that no ground is made for exercising discretion under Section 482 of Cr. P.C. The proper course for the petitioner would have been that he should have approached the concerned DCP/Superintendent of Police for redressal of his grievance of not registering the FIR by the alleged Sub-Inspector or SHO.

In view of the aforesaid, the petition lacks merit and the same is hereby dismissed. However, the petitioner would be at liberty to move to the concerned DCP under Section 154(3) of Cr. P.C. for redressal of his grievances, if any.

With aforesaid observations, the present petition stands disposed of.

P.S.TEJI, J

JANUARY 07, 2015

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