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

+ W.P.(CRL) 892/2017

NEHA SHRIVATAV

..... Petitioner

Through: Mr. Lokesh Kumar, Mr. Harish
Nigam & Mr. Rohtash Mehta, Advs.

versus

STATE & ANR

..... Respondents

Through: Mr. R.S. Kundu, ASC for State with
SI Amrendra, PS Jyoti Nagar.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.04.2017

The petitioner is the first informant (complainant) of the first information report (FIR) No. 317/2016 registered at police station Jyoti Nagar, District North-East, Delhi alleging offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of Dowry Prohibition Act, 1961. It appears that she was not satisfied with the investigation into the FIR and filed the present petition seeking direction for the investigation to be transferred to the District Investigation Unit (DIU), District North-East or another other investigating agency. The status report dated 21.4.2017 submitted by the Station House Officer (SHO) of police station Jyoti Nagar indicates that the investigation at the end of the local police has since been concluded and report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking prosecution of persons who are alleged to have committed offences has been requested.

The learned Additional Standing Counsel, on instructions, submits that the Court is yet to consider the said report for cognizance or issuance of process, the matter being listed before the Magistrate on 7th August, 2017.

In these circumstances, the contentions of the petitioner are reserved to be agitated before the concerned Metropolitan Magistrate, presently in *seisin* of the report under Section 173 Cr.P.C. The petitioner shall be entitled to appear before the concerned Metropolitan Magistrate to raise her grievances respecting the fairness or completeness of the investigation into the FIR and seek appropriate relief in accordance with law.

Needles to add, the Court of concerned Metropolitan Magistrate will be within its jurisdiction to pass all necessary orders including that of further investigation by appropriate agency, should it find the investigation carried out to be deficient.

The petition is disposed of with these observations.

Dasti.

R.K.GAUBA, J

APRIL 25, 2017

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