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

+ **W.P.(CRL) 3160/2017**

KIRAN

..... Petitioner

Through: Mr.Muddassir Daiyyan and
Mr.Vineet Jain, Advocates

versus

THE COMMISSIONER OF POLICE & ORS

..... Respondents

Through: Ms.Nandita Rao, ASC for the State
with Insp.Pushp Lata, PS D.G.B.
Road

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.11.2017

CRL.M.A.18690/2017

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

W.P.(CRL.) 3160/2017

1. By way of this writ petition filed under Article 227 of the Constitution of India, the petitioner has made the following prayer:

'It is, therefore, respectfully prayed that the Hon'ble Court be pleased to issue a Writ of Mandamus and issue directions to the respondents No.1 & 2 to take an early action against the respondent No.3 in the interest of justice.'

2. The action taken report in Case FIR No.122/2017 under Section 354/354D/376/506 IPC registered PS DBG Road, Delhi has been placed on record by the petitioner herself, which is to the following effect:

“xxxxxxxxxxxxx

After registration of case, investigation of the case is being conducted in a highly professional manner but the complainant is still not satisfied and is not cooperating with the investigation. Till date neither the medical examination could be conducted nor could the place of occurrence be identified due to this non-cooperative behaviour of the complainant.

It is further submitted that the point-wise reply of complainant's application are as under:

- 1. The present case was registered on 06.07.2017 at PS DBG Road after receipt of present complaint (by-post) without any delay even prior to the filing of application u/s 156(3) Cr.P.C.*
- 2. Statement u/s 164 Cr.P.C. of prosecutrix was recorded before the Hon'ble Court on 17.07.2017.*
- 3. During the course of investigation the undersigned and previous IO requested the complainant for assisting in the investigation and to give statement u/s 161 Cr.P.C. but she has refused to give any statement or to assist in the investigation. The allegations of taking signatures or blank papers are falls as there is no use taking signatures on blank paper. Whatever grievances she had are already recorded in FIR as well as statement u/s 164 Cr.P.C.*
- 4. In this regard no such complainant has been received.*
- 5. During the investigation the complainant is not cooperating with the investigation. Till date neither the medical examination could be conducted nor could the place of occurrence be identified due to this non-cooperative behaviour of the complainant.*
- 6. As above point No.4.*
- 7. The investigation of the above said case is being conducted as per law without influence from anywhere. Moreover, the alleged constable is already under suspension and there is no question of misusing of power.*
- 8. As above.*

9. *The allegations of complainant are false and baseless.*

FIR is already registered and statement u/s 164 Cr.P.C is also recorded and under these circumstances there is no question of withdrawing of complaint. The visit of police officials to her house is aimed at getting her medical examination done and getting the place of occurrence identified.

It is, therefore, requested to direct the complainant to join the investigation. All the directions passed by this Hon'ble Court shall be complied with."

3. In view of the above, the petition is dismissed.

PRATIBHA RANI, J.

NOVEMBER 15, 2017

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