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

+ W.P.(CRL) 348/2018

MEENU DAHIYA

..... Petitioner

Represented by: Mr. Santosh Kumar, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Ms. Richa Kapoor, Additional
Standing Counsel for State and
Ms. Amita Sachdeva, Advocate
with Inspector Seema Singh,
CAW Cell, South East.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.07.2018

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1. By this petition the petitioner seeks transfer of investigation and also speedy and fair investigation.
2. On 17th May, 2018 learned counsel for the petitioner submitted before this Court that the investigation was though completed and besides charge sheet a supplementary charge sheet was also filed, however, the investigation was conducted in a haphazard manner. He stated that despite there being no relevance of the passport and visa of the three year old son of the prosecutrix, the same has been taken on record. Further scene of crime was not identified by the prosecutrix and the bed sheet and other clothes were not seized immediately after the incident.

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3. Pursuant to the order of this Court, a detailed status report has been filed by the DCP, South-East. As per the status report on 29th September, 2017 at 2.45 AM an information was received which was recorded vide DD No. 4-A at PS New Friends Colony. The information noted that one lady has been molested in Surya Hotel, who is drunk. Immediately, the concerned woman sub-inspector along with the staff reached the spot and on the written complaint of the prosecutrix, who described their business association with the accused and the circumstances in which he allegedly committed rape on her, FIR No.308/2017 under Section 376 IPC was registered at PS New Friends Colony on 29th September, 2017 at 4.30 AM itself for the incident that took place on the night intervening 28/29th, September, 2017. Thereafter, statements of the prosecutrix were recorded under Sections 161 and 164 Cr.P.C. on the same day itself.

4. In view of the fact that in her statement recorded under Section 164 Cr.P.C. prosecutrix stated about teeth bite mark, which fact was also mentioned in the MLC, her supplementary statement was also recorded. Documents, that is, the photocopies of the passport of the prosecutrix, her husband and her son were seized from the reception of the hotel. Contention of learned counsel for the petitioner that copy of the passport of the prosecutrix's son has wrongly been placed on record is unwarranted. The said documents have been placed on record to show that the prosecutrix and her family members were staying in the hotel Surya. The site plan was prepared at the instance of the prosecutrix and she also identified the bed sheet, which was also seized along with the clothes of the accused and other documents.

5. Statements of the driver and security guard of the accused were also recorded and CCTV footage of the incident dated 29th September, 2017 was also seized. Further the FIR was registered on the written complaint of the prosecutrix thus ruling out any manipulation therein. Charge sheet and supplementary charge sheet having already been filed this Court finds no ground to transfer the investigation wherein primarily all steps required to be taken in the investigation have taken place.
6. Learned Additional Standing Counsel for the State submits that the report of FSL is awaited and that as and when received, the same will be filed before the learned Trial Court.
7. Petition is dismissed.

MUKTA GUPTA, J.

JULY 11, 2018
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