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

+ **W.P.(CRL) 1034/2017 and Crl. M.A. No.8678/2018 (Stay)**

ANKIT GUPTA

..... Petitioner

Represented by: Mr. Anunaya Mehta and
Mr. Akshay Deep Singhal,
Advocates.

versus

STATE

..... Respondent

Represented by: Mr. Rahul Mehra, Standing
Counsel and Ms. Richa
Kapoor, Additional Standing
Counsel for State with
Inspector Sushma Rawat, PS
CAW Cell.

+ **W.P.(CRL) 924/2018 and Crl. M.A. No.5762/2018 (Stay)**

RUCHI AGGARWAL @ RUCHI GUPTA

..... Petitioner

Represented by: Mr. V.K. Jain, Advocate with
petitioner in person.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Rahul Mehra, Standing
Counsel and Ms. Richa
Kapoor, Additional Standing
Counsel for State with
Inspector Sushma Rawat, PS
CAW Cell.
Mr. Anunaya Mehta and Mr.
Akshay Deep Singhal,
Advocates for respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

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ORDER

23.08.2018

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1. Status report has been handed over, which is taken on record.
2. The above noted FIR was registered at PS Civil Lines on 14th July, 2016 on the complaint of the complainant/petitioner in W.P.(Crl.) No.924/2018. As she was not satisfied with the investigation by the local police, the same was transferred to the CAW Cell, North District. In the CAW Cell, the Investigating Officer was Inspector Sushma Rawat under whose supervision investigation was being carried out. However, on the earlier complaint of the complainant/petitioner in W.P.(Crl.) 924/2018 to the office of Lieutenant Governor the investigation was further transferred to the DIU, North District to which the complainant objected and on her request again the investigation was transferred back to CAW Cell, North District despite number of complaints by the accused about the high-handed manner of investigation conducted and non-collection of material aspects by the Investigating Officer of CAW Cell.
3. On a query put by this Court as to why the investigation was repeatedly transferred, a status report has been filed by the Joint Commissioner of Police explaining the reasons which prima facie are not convincing and it is apparent on the mere asking of the complainant, investigation has been transferred here and there.
4. Further before this Court it was submitted by Inspector Sushma Rawat that the present transfer back to CAW Cell was not to the same officer as earlier the case was being investigated by ASI Surender and not by her.

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5. On this Court confronting Inspector Sushma Rawat with the status report filed by her before the learned Trial Court indicating that earlier also she was the Investigating Officer, against whom allegations were levelled by the accused, she admitted that earlier also the investigation was being conducted by her with ASI Surender and ASI Bhupender acting on her behalf. Thus she was the Investigating Officer.

6. Inspector Sushma Rawat tenders her unqualified apology for making a wrong statement to this Court that earlier she was not investigating the matter. The apology is taken on record.

7. It is unfortunate that investigation of a matter is transferred repeatedly on the complaints of a particular party without even ascertaining whether there is substance in the complaints. Through this course of action the parties are able to choose the officers of their own choice and convenience which should not be a practice.

8. On the grievance of the learned counsel for petitioner in W.P. Crl. 1034/2017 that with every transfer of investigation fresh investigation starts and again raids are conducted not only at the house of the petitioner but even his relatives, learned Standing Counsel for the State submits that the investigation in FIR No. 175/2016 under Sections 498A/354/354B/506/406/34 IPC registered at PS Civil Lines, Delhi is complete, charge sheet has been filed, only the FSL report is awaited and no further investigation qua any of the accused or their relatives, friends etc. is required to be made.

9. Learned counsels for the petitioners submit that since charge sheet in FIR No. 175/2016 under Sections 498A/354/354B/506/406/34 IPC registered at PS Civil Lines, Delhi has been filed, they do not press these
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petitions seeking transfer of the investigation. Since both the parties are not pressing the present petitions no further orders are required to be passed.

10. Petitions and applications are dismissed as not pressed.

11. Copy of the order be sent to the Commissioner of Police.



MUKTA GUPTA, J.

AUGUST 23, 2018

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