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

+ **W.P.(CRL) 1524/2018**

SADAF

... Petitioner

Represented by: **Mr.Ajay Khanna with Mr.Nitin
Desodia, Advocates**

versus

STATE OF NCT OF DELHI & ORS

... Respondents

Represented by: **Ms.Nandita Rao, ASC for the
State with SI Ramesh Kumar,
PS Chandni Mahal**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
27.07.2018

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By this petition, the petitioner seeks transfer of investigation in case FIR No.103/2018 under Sections 354/354B/322/506/509/34 IPC registered at PS Chandni Mahal.

Brief background of the case is that on 7th February, 2018 an information was received recording MLC being prepared of Ms.Sadaf who gave alleged history of physical assault at her residential address at 1.00 p.m. on 6th February, 2018. The nature of injury was not mentioned in the MLC. Later, Sadaf gave a handwritten statement to SI Ramesh Kumar wherein she stated that her sister-in-law namely Hushna, Nazma, Anjum and her Jethani namely Huma scuffled with her and threatened her of dire

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consequences. She further alleged that her in-laws didn't want her to reside at the address i.e. H.No.1827, Gali Mohammadin Elachi Wale, Turkman Gate, Delhi.

Though in this regard preventive action was taken under Section 107/150 Cr.P.C. on 9th February, 2018 however, later on FIR No.103/2018 under Sections 354/354B/322/506/509/34 IPC was registered and statement of the petitioner was also recorded under Section 164 Cr.P.C.

The ground urged by learned counsel for the petitioner for seeking transfer of investigation is that certain provisions of IPC have not been invoked. It is trite law that in the charge-sheet, even if some provisions of the law and offences are not invoked, it is the duty of the Court to assess the facts involved before a charge is framed against the accused. Thus merely because some sections of IPC have not been invoked cannot be a ground to transfer the investigation.

Since the investigation is on and there is no allegation that the statement of the petitioner has been tampered with or that there are manipulations in the investigations, this Court finds no ground to transfer the investigation.

Petition is dismissed.

MUKTA GUPTA, J.

JULY 27, 2018
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