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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1966/2018

VIJAN SHRI

..... Petitioner

Through: Mr. B. S. Chauhan, Advocate with
Petitioner in person.

Versus

THE COMMISSIONER OF POLICE & ORS.

..... Respondents

Through: Mr. Jamal Akhtar, Advocate with
W/SI Divya, P.S. Vijay Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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28.09.2018

The petitioner seeks the following reliefs:-

“a) issue a writ of mandamus or any other or similar writ, order or direction thereby directing the respondent no.1 to take departmental punitive action against the respondents No.2 and 3 for not register FIR No.0355/2018, dated 27.05.2018 under the appropriate Sections of Indian Penal Code and wrongly booked the respondents No.4 to 6 under section 107/151 Cr.P.C. by issuing Kalandra, which was dropped by the Special Executive Magistrate vide order dated 25.05.2018 and for not investigating the case properly and effectively;

b) further direct the respondent No. 2 to add/insert Section 376/511 and 392 etc. of IPC in FIR No.0355/2018, dated 27.05.2018, U/s 452/354A/354B/506/323/34 IPC, P.S. Vijay Vihar, Delhi;

c) further transfer the investigation of FIR No.0355/2018, dated 27.05.2018 from P.S. Vijay Vihar to the CBI or Crime Branch;

At this stage, the Court does not find any reason to transfer the case to the CBI apropos the petitioner's grievance that his complaint has not been duly investigated in relation to the attempt by accused to commit the offence under section 376 IPC upon her, as recorded in a certain DD entry. For redressal of grievance in this regard, the petitioner has an equally efficacious alternative remedy.

Accordingly, the petition is dismissed with liberty to the petitioner to take recourse, as per law.

NAJMI WAZIRI, J.

SEPTEMBER 28, 2018

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