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

+ W.P.(CRL) 2054/2018

JULI GUPTA Petitioner

Represented by: Mr.A.K.Singh, Advocate

versus

STATE (GOVT. OF NCT OF DELHI) & ORS. Respondents

Represented by: Mr.Sanjay Lao, ASC for the State
with SI Pankaj Thakran, PS Burari

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.09.2018

1. By this petition, the petitioner seeks transfer of investigation to Crime Branch contending that the son of the petitioner namely Aman Gupta was murdered by Vipin Gupta, respondent No.4 thus FIR be registered and charge sheet filed.

2. In the complaint filed by Rajesh Gupta, petitioner's husband to the SHO/Commissioner of Police received in the office of Commissioner of Police on 28th June, 2018, Rajesh Gupta stated that his son Aman Gupta aged 18 years was working with Vipin Gupta, a property builder whose office address was Khasra No.877, 246 yards building (office), Laldora Extension, Abadi Burari. On 29th May, 2018, his son did not return from office thus he called his son on his mobile phone which was not reachable. So at around 11:40 PM, he went to the office to see him. With the help of two boys who were present there he broke the glass from parking side and saw his son hanging. He called at 100 number whereafter the police came,

broke open the glass gate and brought down the dead body of his son. After doing the necessary formalities, spot was sealed. In this regard, Rajesh Gupta made complaint on 5th June, 2018 which was noted vide DD No.49-B. It is stated that later on a boy namely Pramod who was working with his son in the same office told him that on the day of the incident a quarrel took place between his son and Vipin Gupta and his known Arti, wife of Sh.Gaurav who lives near Maurya Enclave, Site of Raman Gupta. In this regard, there was some transaction of money and on 2nd June, 2018, one Surender Kumar Jaiswal deposited ₹50,000/- in the account of his son through cheque of Kangra Cooperative Bank Ltd. Later, on 2nd June, 2018 the same amount was returned from his account. Thus he was sure that his son Aman Gupta had been murdered by Vipin Gupta and his associates in a planned way. Rajesh Gupta sought registration of FIR qua murder of his son and necessary action against Vipin Gupta.

3. A status report was filed by the SHO, PS Burari who stated that on 30th May, 2018, an information regarding commission of suicide by hanging was received at PS Burari which was recorded vide DD No.6A and the SHO conducted the necessary inquiry thereon. He reached the spot i.e. Khasra No.877, 246, Gaj Building, Lal Dora Extension, Abadi, Burari. An office was found at the ground floor adjacent to parking and the glass door of the office was found locked. On checking through the window, one person was seen hanging with the ceiling fan with the help of a bed sheet. Lock of the door was broken to enter the premises. The ligature was cut from the middle to bring down that person. Rajesh Gupta who had informed the control room at 100 number was present at the spot and he identified the person hanging as his son Aman Gupta. Aman Gupta was sent to BJRM Hospital

for treatment with half cut ligature around his neck but he was declared brought dead. The spot was inspected and photographed by the District Crime Team. Broken lock, half cut ligature and mobile phone were seized from the spot. The spot was thereafter locked and sealed with the seal of PT. Inquest proceedings were carried out and during the same seized mobile phone and viscera with blood samples were sent to FSL Rohini for retrieving the data and chemical analysis respectively. The result whereof was awaited. CCTV footages of the camera installed near the spot was taken and nothing incriminating was found. Petitioner, mother of the deceased informed that at the time of leaving house in the morning of 29th May, 2018, Aman Gupta was in good mood and happy and that he met his father with his colleague Pramod at about 3:00 PM near his work place when also he was in good mood and happy.

4. Statement of Pramod was recorded who stated that his employer was constructing residential flats at House No.7, Khasra No.842, Gali No.4, Maurya Enclave, Burari and Aman Gupta used to visit the said construction site to supervise the construction work. In the evening of 29th May, 2018, one lady scolded and abused Aman Gupta on the pretext that Aman Gupta was staring at her younger sister. On local inquiries, statement of Pramod was found to be correct. Vipin Gupta- respondent No.4, employer of Aman Gupta was also interrogated. Ms. 'A' was also examined who stated that approximately 10-15 days prior to the incident she was going to her maternal house when on the way Aman Gupta passed lewd remarks for her. On the said date, she was near her maternal home and for the conduct of Aman Gupta she went inside her maternal home informed her mother and came down stairs along with her mother and scolded and warned him not to

repeat the offence in future.

5. Opinion of the post-mortem doctor was taken who opined the cause of the death to be asphyxia and venous congestion due to ante-mortem ligature hanging. However the final cause of death was kept pending in view of the FSL Report.

6. Since the petitioner was not satisfied by the inquest proceedings, status report was called from the DCP concerned. As per the status report, in the area one CCTV was installed at a point which captured every inflow and outflow into the gali where office of respondent No.4 was situated. From the CCTV footage it was revealed that Aman Gupta left the office with Pramod at 3:00 PM on 29th May, 2018. After that Pramod was seen leaving the office at 5:27 PM and Aman Gupta is seen coming towards office at 6:47 PM. In the CCTV footage, Vipin Gupta was nowhere visible on the day of the incident. It is thus evident that Vipin Gupta has no role to play in the entire incident. Further inquiry was also conducted for the deposit of ₹50,000/- in the bank accounts and it was revealed that some money was transacted into his account. However the said transaction had no bearing on the alleged suicide committed by the petitioner's son. Investigation also revealed that the two Aadhar cards were got prepared by Aman Gupta with different dates of birth as verified from the record.

7. In view of the detailed status report filed by the DCP concerned and inquest proceedings to be finalized on receipt of FSL report, this Court finds no ground to interfere in the present petition or pass any directions.

8. Petition is dismissed.

SEPTEMBER 06, 2018
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MUKTA GUPTA, J.