

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% Decided on: 17th July, 2018

+ **W.P.(CRL) 776/2017 and CrI.M.A. No. 4181/2017**

MRS SHOKSHISTA SHUKROVA

..... Petitioner

Represented by: Mr. Saurabh Chauhan and Mr.
Varun Jain, Advocates.

versus

STATE & ORS

..... Respondents

Represented by: Mr. Ashish Negi, Advocate for
Ms. Richa Kapoor, ASC with
Insp. R.P. Meena, PS Kotla
Mubarakpur.

Ms. Rajdipa Behura, SPP for
CBI with Mr. Philoman Kani,
Ms. Kriti Handa, Ms. Damini
K. And Ms. Hansika Sahu,
Advocates.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. By this petition, the petitioner seeks a writ of mandamus directing respondents to transfer investigation in case FIR No. 1113/2015 under Sections 365/302/201/34 IPC registered at PS Kotla Mubarakpur to respondent No. 6, CBI and to take action against the police officers besides providing security to the petitioner and her relatives, sympathizer, etc.
2. Case of the petitioner is that the victim, her daughter, namely, Shaknoza Shukrova @ Shahnaz first came to India in the year 2008,

whereafter she frequently visited India. During her visit at Delhi she would stay at an apartment in Kishan Garh or at hotels in Pahar Ganj. At Kishan Gargh she came in touch with one Atanozha Shaknoza @ Naaz (an Uzbek national) who became her roommate.

3. It is the case of the petitioner that a racket of luring the girls into prostitution was run by Umida and the friend of her daughter, namely, Naaz wrote a letter to Uzbekistan Embassy detailing how she was forced into prostitution. The letter was found by the victim's family when they went to collect the belongings of the victim from Pahar Ganj hotel. They also found that the Victim was six weeks pregnant at that time.

4. It is the case of the petitioner that the victim was kidnapped on 24th September, 2015 at about 10:00/10:30 PM from South Extension, New Delhi whereafter she was missing, however, the respondent Nos. 1 to 3 registered an FIR No. 1113/2015 under Sections 365/302/201/34 IPC on the basis of the body recovered claiming the same to be that of the petitioner's daughter. The so called accused, Gurbinder Singh@ Gagan, was also made to make a confession on the basis of which Chargesheet has been filed.

5. The main plea of the petitioner being that the body recovered was not that of her daughter, this Court awaited the report of DNA analysis. As per the DNA analysis the petitioner has been found to be the natural mother of the body recovered. Further, DNA samples from the vaginal swab and anal swab of the deceased were also taken to match with the blood samples of accused Gurbinder Singh@ Gagan Singh and as per the report the DNA profile could not be amplified from exhibits i.e. vaginal swab and anal swab and thus it cannot be concluded whether the semen detected on these exhibits belong to the accused or otherwise, however, Section 376 was also

added in the investigation. The samples have been preserved for further future comparison.

6. Case of the respondent in the status report is that an unidentified dead body was recovered by the Haryana Police which was identified to be that of Shahnaz, the daughter of the petitioner whose missing report had been lodged in Delhi. FIR No. 598/2015 registered at PS Samalkha registered under Sections 302/201 IPC was thus transferred to PS Kotla Mubrakpur and was clubbed with FIR No. 1113/2015 regarding kidnapping of the daughter of the petitioner.

7. Chargesheet in the FIR No. 1113/2015 has since been filed. The main challenge of the petitioner to the investigation is that the body recovered was not that of her daughter and false evidence has been foisted, which challenge incorrect as per the report of DNA analysis. Chargesheet having been filed this Court finds no ground to transfer the investigation or pass directions for any inquiry against the Investigating Officer. Further no material has been placed on record by the petitioner to show that there is a valid apprehension of threat to her or her relatives so that protection could be provided to the petitioner/relatives, sympathizer, etc.

8. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

JULY 17, 2018
‘yo’