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

+ **W.P.(CRL) 2824/2017**

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... Petitioner

Represented by: Ms.Vagisha Kochar, Advocate

versus

STATE OF NCT DELHI & ORS

.. Respondents

Represented by: Mr.Rajesh Mahajan, ASC for
the State with Ms.Jyoti Babbar,
Advocate

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.04.2018

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Cause title of the petition has been changed so as not to disclose the identity of the petitioner.

Petitioner filed the present petition with the following prayers:

“(a) issue the writ of mandamus or any other appropriate writ, order or direction for providing protection to the petitioner and her minor daughters;

(b) issue the writ of mandamus or any other appropriate writ, order or direction for counselling of the victim daughters of the petitioner who are minor children and have gone under depression;

(c) issue the writ of mandamus or any other appropriate writ, order or direction for arrest of respondent no.7 to 11 in case FIR No.0225/17 u/s 323/354/354B/354(C)/354(D)/506/509/34 IPC and under section 12 of the Protection of Children from Sexual Offences Act, 2012.”

FIR No.225/2017 was lodged by the petitioner for offences punishable under Sections 325/354/354B/354C/354D/506/509/34 IPC against respondents No.7 to 11 for the allegations of molesting two minor daughters of the petitioner. Petitioner with her daughters was living in the vicinity of respondents No.7 to 11 and there was a constant threat and fear to their life and property. Thus the petitioner was granted protection by beat/division staff which protection is continuing and as and when the petitioner changes her address the same is intimated to the learned Additional Standing Counsel to be conveyed to the concerned SHO. Thus, the first prayer of the petitioner in the writ petition stands addressed.

As regards the prayer seeking directions for counselling of the daughters of the petitioner, learned counsel for the petitioner fairly submits that at the time of lodging of the FIR, counselling of his minor daughters was done and now, no further counselling is required.

As regards prayer (c) in the writ petition is concerned, pursuant to the filing of the writ petition, the Investigating Officer has been changed and SI Vinita, the new Investigating Officer after investigation of the offences alleged, has filed a charge-sheet against respondents No.7 to 11 before the Court of competent jurisdiction where the matter is pending now for arguments and order on charge.

The Investigating Officer having considered the entire material and that the respondents No.7 to 11 were available for the investigation, has not arrested them and has filed the charge-sheet without arrest. In case the investigation can be concluded without arrest and as has been done by the Investigating Officer, no directions can be passed for arrest of the accused

persons.

Considering that no further orders in respect of the prayers (a) to (c) are required to be passed except confirming the directions of this Court dated 31st January, 2018 that as and when the petitioner shifts her residence and informs the same to the concerned SHO, the concerned SHO would ensure protection of the petitioner and her daughters through beat staff, if so required, petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

APRIL 24, 2018
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