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

+ W.P.(CRL) 3257/2017

DEVANAND SHARMA

..... Petitioner

Through : Mr.Dibyanshu Pandey, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through : Ms.Nandita Rao, ASC.

Mr.S.K.Sharma, Advocate for R4 to R6.

Insp.Anil Samota with SI Nepal Singh & ASI Vijay Singh.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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16.01.2018

1. Present writ petition has been filed by the petitioner – father of the victim under Article 226 of the Constitution of India for directions to the respondent No.2 to transfer the case registered vide FIR No. 415/2017 PS Fatehpur Beri under Section 363 IPC to Crime Branch. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Status report reveals that the FIR was lodged by the petitioner – victim's father stating that her daughter 'X' (assumed name), aged around 15 years was missing since 01.09.2017. Rambir was suspected to have kidnapped the child. During the investigation, the child was recovered and the investigation was handed over to WSI Priyanka Choudhary.

3. During further investigation, 'X' recorded her statement under Section 164 Cr.P.C. and she did not support the father's claim. She informed that she had accompanied Rambir of her own with her free consent and no wrong was done with her. The victim was sent to Observation Home, Nirmal Chhaya.
4. Considering the allegations of the petitioner, statement of the prosecutrix has been recorded again on 15.01.2018 before the learned Metropolitan Magistrate. Copy of the statement has been placed on record. Again, the prosecutrix did not implicate Rambir for any wrong doing. She rather informed that she liked Rambir and had accompanied with him with her free consent.
5. Merely because the prosecutrix has not given statement as per the petitioner's liking, it cannot be inferred that the investigating agency is at fault to carry out the investigation.
6. No sufficient ground for transfer of the investigation to some other agency. The petition is dismissed.

S.P.GARG, J

JANUARY 16, 2018 / tr