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

+ W.P.(CRL) 2907/2017

VEER SINGH

..... Petitioner

Represented by: Mr.S.K.Mishra, Advocate

versus

THE STATE NCT OF DELHI & ORS

..... Respondents

Represented by: Ms.Nandita Rao, ASC for Mr.Ashish Aggarwal, ASC for the State with Mr.Piyush Singhal, Advocate and SI Vijay Singh, PS Prashant Vihar

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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07.08.2018

1. By this petition, petitioner seeks a writ of mandamus to the respondent Nos.1, 2 and 3 to transfer investigation in respect of the murder of their son Rahul aged 22 years either to CBI or to Crime Branch and to hold a departmental inquiry against respondent Nos.4 and 5 as also protection to the petitioner and his family members.

2. Son of the petitioner namely Rahul aged about 22 years was working as a Nursing Assistant since 2013 in Santom Hospital, Prashant Vihar, Outer Ring Road, Rohini, Delhi. On 11th September, 2017, a PCR call was received at PS Prashant Vihar from the hospital which was recorded vide DD No.2PP informing that a boy named Rahul aged 22 years, resident of Sultan Puri was found in an unconscious condition and admitted in ICU vide MLC No.545/17. On reaching the hospital, ASI Mahipal Singh made inquiries and it was revealed that the boy Rahul was found in unconscious condition in the washroom. Prescribed treatment was given to Rahul

W.P.(CRL) 2907/2017

page 1 of 2

however after 30 minutes he was declared dead. During course of inquiries conducted from the hospital staff, statement of a ward boy was recorded who stated that he went near the bathroom with nurse Ravina and found the washroom closed. When on knocking also, nobody responded, Anil the attendant poked from outside of the washroom and found that Rahul was lying inside the washroom in an unconscious condition and the door of the washroom was closed from inside. Anil Kumar jumped into the bathroom from upside, unlocked the same and with the help of the other staff members took Rahul to ICU and gave him first aid. No CCTVs were found covering the washroom and those found at the reception and ICU have already been preserved.

3. During the inquest proceedings being conducted under Section 174 Cr.P.C., post-mortem of Rahul was got conducted and viscera and tissues were sent to FSL. Report of FSL has also been received wherein no poison or anything addictive have been found out. It is thus evident that the death of the deceased Rahul was due to a natural cause which could also be due to the congestion in his kidneys.

4. In view of the detailed status report filed and the FSL report which has been received, this Court finds no ground to transfer the inquiry much less directions to carry out an investigation into the incident as no cognizable offence is made out from the facts of the case.

5. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 07, 2018/mamta
W.P.(CRL) 2907/2017

page 2 of 2