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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3760/2018 & CrI. M.A. No.49396/2018

MOOLCHAND MEENA

..... Petitioner

Through: Mr. Anand Nandan, Advocate.

Versus

STATE & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Additional Standing
Counsel for State with Mr. Siddarth Sindhu,
Advocate and Inspector Josepha Kujur, P.S.
Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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12.12.2018

In barely 18 months of her marriage, the petitioner's daughter, Ms. Sita Devi Meena, died in unnatural circumstances in her matrimonial home. The deceased had complained to her mother of repeated harassment, physical assault, brutalities and demand of dowry from her husband. Her parents had spoken to her husband and other relatives about the issue and each time had sent her back from her parental home to her matrimonial home, in the hope that eventually the matrimony would work out. Unfortunately, it did not so happen. On the fateful day, the petitioner was informed that his daughter had died. She was all of 28 years old. It is the petitioner's case that his daughter was neither suicidal by nature, nor was she suffering from any mental ailment or having a proclivity to end her life. Since the petitioner - father was in shock, he had rushed to Delhi, on being intimated that his daughter was seriously ill. He was kept at the Police

Station throughout the night on 05.11.2017 and only at 10 o' clock, the next morning, he was taken to the mortuary where the corpse of his daughter was shown. The body was taken away and cremated by the in-laws and was not given to the father, despite his persisted protestation and desire to take her home. A post-mortem examination was conducted on the body. Many days after the unfortunate incident, the father wrote to various investigating agencies that there was some foul play in the unfortunate end of his daughter's life. The husband is a police officer. The investigations in the matter were conducted by the District Investigation Unit, South-East. However, it is the petitioner's contention that the Station House Officer is the same officer, who had kept him in the Police Station throughout the night. It is his case that for the sake of perception that a fair investigation has been conducted, the matter be investigated by another unit of Delhi Police.

Mr. Lao, the learned counsel for the State submits that the investigation has been completed; the chargesheet has been prepared and is likely to be filed before the learned Trial Court in the near future. However, the learned counsel for the petitioner refers to the photographs annexed to the petition at page Nos. 106-107, which would show that suicide by hanging was an impossibility in the present case because (i) the feet of the deceased are comfortably touching the floor; (ii) she is next to the bed and could have easily escaped any asphyxia; (iii) the cloth contraction allegedly used in the suicide is far too loose and apparently weak to have taken the weight of the body or to have caused asphyxia; (iv) the cloth contraption cannot be seen to be pressing the neck, therefore, at best it could have put some pressure on the back of the neck and not on the wind pipe to have

caused suffocation. It is argued that the angle at which the body is hinged to and not hung by the cloth contraption; and the noose is too loose around the back of the neck without causing any pressure on the wind pipe and could not have caused asphyxia or be the mode of suicide. It is alleged that there is evidently foul play; that she was killed and then a false case has been set up only to provide an escape route to her killers.

At this stage, Mr. Lao, the learned counsel for the State submits, upon instructions, that the respondent would have no objection to the investigation of the case being transferred to another independent agency or unit of Delhi Police.

In the circumstances, the investigation of the case is transferred to the Crime Branch of Delhi Police, to be monitored by its DCP. It is expected that steps shall be taken in right earnest to complete the investigations within three months.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The petition is disposed-off in the above terms.

NAJMI WAZIRI, J.

DECEMBER 12, 2018

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