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

+ **W.P.(CRL) 1343/2019**

SURESH KUMAR

..... Petitioner

Through Mr Adit S. Pujari, Advocate with
Ms Kriti Awasthi, Ms Sura Bhi Dhar, Advocates.
versus

STATE OF DELHI & ORS

..... Respondents

Through Mr Rajesh Mahajan, ASC for State.
Mr Anil Grover, Special PP , CBI with Mr Mishal
Vij, Advocates for R3.
Inspt. Mahesh Pandey, P.S. Crime Branch.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.09.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that investigation be transferred to an independent agency in respect of FIR No. 0181/2018, registered with P.S. Mahindra Park.
2. The present petition is premised on the basis that the investigation being done in this case is wanting. It is stated that the incident in question had occurred on 27.04.2018, where a child (Ms K) aged about fourteen years had suffered injuries. It is assumed that the injuries were suffered on account of falling from the top floor of her school.
3. Although, the fact that the injuries were unnatural was apparent, the concerned local police had not registered the FIR at the relevant time: the FIR in question was registered on 30.04.2018, which was three days after the date of the incident.
4. The child succumbed to her injuries on 01.05.2018. The petitioner,

who is the father of the child, suspects foul play and had pursued with the police not only to register FIR but also to undertake an extensive investigation. This, clearly, was not done as even the CCTV Footage was not recovered at the material time.

5. This Court is informed that consequently, the investigation was transferred to the Crime Branch and there has been some progress, thereafter. Certain CCTV Footage has been recovered. The hard disks recovered from the computers were sent to the Forensic Lab and data has been recovered from five out of six hard disks. It is, thus, clear that investigation is being conducted by the Crime Branch. The Crime Branch would also require to undertake further inquiries from the school authorities, staff and other children who are friends/ co-students of the deceased. It would be important for the investigating agency to reconstruct the event.

6. This Court is not persuaded to accept that the investigation now being conducted has been done in a partisan manner and requires to be transferred to any other agency. However, the Crime Branch is directed to complete the investigation in a comprehensive manner. The Commissioner of Police is also directed to oversee the investigation and to ensure that all that is necessary, is done.

7. The petition is dismissed with the aforesaid observations.

8. The petitioner is also granted liberty to apply in case there is any further grievance.

VIBHU BAKHRU, J

SEPTEMBER 25, 2019/ pkv