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

+ W.P.(CRL) 1816/2019

RAJ KUMAR

..... Petitioner

Through: Mr Harsh Jain and Mr Rachita Garg,
Advocates.

versus

STATE

..... Respondent

Through: Mr Jamal Akhtar, proxy for Mr Rahul
Mehra, Standing Counsel for State
with Insp. Shyoram, PS Kamla
Market.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.12.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued for seeking the fresh registration of an FIR. The petitioner further claims that directions be issued for addition of Amit, Aman and Hemant as accused persons. The petitioner is the father of the deceased (Hunny).
2. The status report indicates that a PCR call was received at 1:35 AM on 24.04.2019, regarding an accident near Kali Mandir, Minto Bridge, Delhi. It is stated that a Scooty (TVS Jupiter), bearing registration no., DL7SBZ8358, was found at the site of the incident and the injured (Hunny) had been shifted to a hospital.
3. Hunny was admitted to hospital by one Santosh. He had stated that

while he was going to one of his friends, he heard a loud sound of a vehicle (scooty) falling. The injured was lying on the road. He stated that he waited there for about 8 to 10 minutes and found that the public had gathered there, but none was helping the injured. He, thereafter, shifted the injured with the help of other persons to LNJP Hospital.

4. The petitioner suspects foul play for several reasons. First of all, he claims that various friends of the deceased had stated that they were consuming alcohol and *ganja* on that day in a park. But the post mortem report does not indicate that the deceased had consumed the same or was intoxicated.

5. The learned counsel appearing for the petitioner further contends that there is other material to indicate foul play. He states that the petitioner had also inspected Shivaji Park where the deceased was sitting with his friends and had found certain blood spots. He also claims to have received a call informing him that there was certain heated conversation between the deceased and one of his friends.

6. The status report had been filed which indicates that investigation has been carried out. The statements of various persons have been recorded. Inquiries from various persons revealed that the deceased was consuming beer and *ganja*. However, there is no indication of any foul play.

7. Undeniably, the inquiries made and the post mortem report are inconsistent. The Investigating Officer (IO) is unable to reconcile the same. However, the evidence collected so far indicates that the deceased had suffered injuries in an accident and later succumbed to his injuries.

8. In view of the above, this Court is unable to accept that the IO had not carried out the necessary investigation or this Court is required to give any

further directions in this regard.

9. The learned counsel appearing for the respondent states that a final report will be filed shortly.

10. In view of the above, the petition is disposed of. All rights of the petitioner to object the final report are reserved.

11. The petitioner is at also at liberty to provide the material, as available with him, to the IO. Needless to state that the IO shall consider the same as well, before submitting the final report.

VIBHU BAKHRU, J

DECEMBER 13, 2019

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