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

+ **W.P.(CRL) 2363/2019**

KAMAL & ANR.

..... Petitioners

Through: Mr Arun Kaushal, Advocate.

Versus

STATE & ORS.

..... Respondents

Through: Ms Nandita Rao, ASC (Crl.),
GNCTD.
SI Amrender, PS Fatehpur Beri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.09.2019**

1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to respondent nos. 2 and 3 to transfer the investigation of the alleged crime, which was reported to respondent no.4 (SHO Fatehpur Beri).
2. The status report has been filed by the respondents, which indicates that on 15.08.2019, a PCR call was received reporting the incident of unnatural offence with a cow. It is stated that a head constable was appointed to make further inquiries. He had reached spot (Plot No554, Near Mahender Ka Makaan, Dera Village, New Delhi) where a large number of people were gathered. It is alleged that a tenant of the said premises had committed the unnatural offence.
3. The FIR in question (0300/2019) dated 16.08.2019 under Section 377 of the Indian Penal Code, 1860 was registered and investigation in this case

is pending. The tenant of the said premises (the accused) has been arrested and is in judicial custody.

4. The petitioners claim that he was the person who had allegedly recorded the unnatural act of the accused on his mobile and had circulated the same by way of a WhatsApp message. He states that his mobile was snatched and the photographs he had recorded were deleted. Nonetheless, he had arranged the said photographs from the WhatsApp messages that were circulated.

5. The learned counsel appearing for the petitioners submits that the investigation ought to be transferred because one of the police officials at PS Fatehpur Beri is related to the accused. This Court finds that there is no such allegation in the present petition. There is no averment in the present petition that any police official is related to the accused.

6. The reading of the petition indicates that the petitioner's allegation is that two persons have been left scot free by the local police as they belong to a particular community and one police officer of PS Fatehpur Beri also belongs to the said community. Clearly, the same cannot give rise to any credible apprehension.

7. This Court has no reason to believe that the investigation is not being undertaken in the manner as warranted and finds no reason to entertain the present petition.

8. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 05, 2019/MK