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

+ **W.P.(CRL) 2139/2018**

MAN SINGH RANA

..... Petitioner

Through Mr P.S. Sharma, Advocate.

versus

THE STATE & ORS

..... Respondents

Through Mr Rajesh Mahajan, ASC State with  
Ms Jyoti Babbar, Advocate.

SI Roshan Lal, P.S. Savita Vihar.

Mr Vijay Sansanwal, Advocate for R7..

Mr Ramesh Gupta, Senior Advocate with

Mr Amitesh Gaurav, Advocate for R8.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**03.12.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) issue writ, order or direction in the nature of mandamus directing the Respondent No. 2 to take appropriate action against the respondent no. 7 to 8 against brutal killing of Saurabh Rana, aged about 28 years, who was son of petitioner Man Singh Rana for not lodging FIR against the Respondent no 7, 8 and others, who were involved in the murder of son of the Petitioner.

b. Issue writ, order or direction in nature of mandamus directing to the Respondent No. 2 take action against the Respondent No. 3 to 6, who did not properly investigated the murder case of son of the Petitioner and without

properly investigating and without lodging any complaint despite repeatedly making complaint by the Petitioner that his son was murdered by the Respondent No. 7 & 8 alongwith their other accused persons for not taking the action against the Respondent No.7, 8 and others and without investigation given the clean chit by saying that the son of the Petitioner committed suicide whereas it was murder and action be taken against them.

c) issue writ, order or direction in the nature of mandamus directing the Respondent No.2 to 6 to investigate fairly and legal action be taken against the Respondent No.7, 8 and others under the appropriate section 302/201/120-B/34 IPG by lodging the FIR.”

2. The petitioner alleged that on 26.11.2017 his son had been tortured by respondent nos. 7 and 8. He has further averred that he came back home at 11.30 PM on 27.11.2017. It is stated that at about 2.30 AM at night, he received a phone call from respondent no.7. At the material time, the petitioner's wife (the mother of the deceased) was with him. It is further stated by the petitioner that his wife had confirmed that his son was disturbed on receipt of the said call. It is stated that thereafter he left his home at about 4.00 AM. Attempts were made to contact the deceased but he did not pick up his phone. It is further alleged that at about 7.30/8.00 PM on 28.11.2017, a common friend of the deceased and respondent nos. 7 and 8 had received a call from respondent no.7 informing him that the petitioner's son had committed suicide.

3. The learned counsel for the petitioner states that the entire incident indicates that the petitioner's son was murdered. It is stated that his body was found at the residence of respondent no. 7.

4. The learned counsel appearing for the petitioner contends that

although the petitioner's son is stated to have committed suicide by hanging from the ceiling fan in the room in question, the photograph of the room does not indicate that there was no stool or any chair from where he could have reached the ceiling fan to hang himself. Second, he submits that the petitioner's son's body was drenched in water and this would indicate that he would have been killed or murdered by drowning. Thirdly, he stated that no inquiries have been made regarding the phone call received at 2.30 AM. The petitioner states that the deceased was in a relationship with both respondent nos. 7 and 8 and, therefore, they had decided to murder him.

5. A status report indicates that due inquiries were made. The post-mortem report indicates that the deceased died of asphyxia. There was no other injury mark apart from ligature marks on his neck. The phone call records have also been examined. It is revealed that respondent nos. 7 and 8 were not present at the material time. It has been found that respondent no.7 had decided to stay at the residence of respondent no.8 in Alakananda on the particular date. The deceased had let himself into the residence of respondent no.7, as he had another key to respondent no.7's room.

6. Inquiries were made in regard to the telephone call stated to have been received at 2.30 AM on the date of the incident. It is found that two calls had been made in the early hours – one at 2.05 AM and one at 2.30 AM. The said phone calls had been made to mobile phones of respondent nos. 7 and 8 and their location has been fixed at Connaught Place at the material time. This also indicates that respondent no.7 was not at her residence at the material time.

7. Mr Rajesh Mahajan, learned ASC also states that the contention that

there was no stool or chair from which the deceased could have used to hanged himself, is incorrect. Photographs of the room indicate that there was a metal shoe rack that could have been used by the deceased. He has shown the photographs of the same to this Court.

8. Insofar as the petitioner's contention that the deceased could have been drowned as his clothes were wet, is also not persuasive. The fact that the clothes of the deceased were wet is corroborated by the statement of respondent no.7, who has stated that she had thrown water on the deceased after his body was brought down in order to revive him. The contention that he had been murdered by drowning is not supported by the post-mortem report, which does not indicate that any water was found in the lungs of the deceased.

9. In view of the above, the contention that the necessary inquiries have not been made is unmerited.

10. In view of the above, this Court is unable to accede to the prayers made by the petitioner. This Court is unable to accept that necessary inquiries have not been made by the police officials.

11. The petition is, accordingly, dismissed.

**VIBHU BAKHRU, J**

**DECEMBER 03, 2019**

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