

\$~29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2732/2018**
ABHISHEK SHARMA

..... Petitioner

Through: Ms. Jyoti Gupta, Adv.

Versus

STATE & ANOTHER

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel for
the State with Inspector Raj Kumar, P.S. K.M. Pur.
Ms. Anu Narula, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **22.02.2019**

This petition seeks quashing of the FIR, however, since the charge-sheet has been filed, the petitioner would not like to press the petition but seeks liberty to pursue his remedies, as may be available in law. Liberty granted.

Furthermore, the parties assure the court that they shall assist the learned Trial Court on each and every date of hearing when the case is so listed and they would request the Court for expeditious disposal of the case.

The petition is disposed off in the above terms.

At this stage, Ms. Anu Narula, the learned counsel for the complainant states that the investigation is incomplete and has been deliberately mis-directed because the I.O. has not taken into consideration the admitted position of the father-in-law of the complainant that he had

installed CCTV camera in his residence to record the frequent quarrels between his son and the complainant. The said admission is recorded in the petitioner's representation dated 27.08.2015 to the DCP of the South District at Hauz Khas wherein he specifically mentioned that: *"I have got camera installed at my home recently"*.

On the complaint of R-2 the present FIR was filed on 09.02.2016. The Status Report reads as under:

"Charge-sheet in the case was filed by SI Pradeep on 03.10.2018. Charge sheet in the case has been perused but the aspect of CCTV camera has not been mentioned in the case. The first IO of the case, ASI Jitender, contacted and enquired about the aspect of CCTV cameras."

"In this regard ASI Jitender stated that no CCTV cameras were found installed at the house and the incident as alleged by the complainant was inside the room and hence no investigation was carried out on the aspect of CCTV cameras."

Ms. Narula submits that after the aforesaid complaint, the complainant had reminded the police, in particular the then IO/ASI Jitender repeatedly, calling upon them to examine the CCTV recordings, but he did not do so.

Apropos the clear admission by Abhishek Sharma that he had installed CCTV camera in his premises, at least as on 20.08.2017 and there being is nothing on record that the same was taken down or made dysfunctional by him, there is a presumption that the CCTV camera had been installed and was functional. The silence of the IO in this regard, needs to be looked into. Let the DCP of the area, look into the matter and

initiate such steps as he may deem appropriate. A compliance report be filed in four weeks.

List for compliance report on 03.04.2019.

NAJMI WAZIRI, J.

FEBRUARY 22, 2019

acm