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

+ **W.P.(CRL) 3560/2018 & CRL.M.A. 47836/2018**

MS. X

..... Petitioner

Through Mr Colin Gonsalves, Senior
Advocate with Ms Gunjan Singh, Advocate.

versus

COMMISSIONER OF POLICE & ORS.

..... Respondents

Through Mr Sanjay Lao, ASC with Mr Karanjeet
Sharma, Advocate with SI Sneh Lata, P.S. IG. M.
Pur.

Mr Shobhana Takiar, Advocate for DDA.

Mr Anupam S. Sharma, SPP-CBI for R3.

Mr Atul Batra and Ms Khyati Malik, Advocate for
R4.

Ms Sarvapriya Makkar, Advocate for R5.

Mr Akshai Malik and Mr Khawar Saleem,
Advocates for R6.

Mr Rishab Nagar, Advocate for R7.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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02.12.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the Central Bureau of Investigation (CBI) to forthwith takeover the investigation and prosecution in respect of FIR No. 422/2017 under Sections 354/376 of the IPC registered with PS Kotla Mubarakpur.
2. The said FIR was registered at the instance of the petitioner (referred to as 'X' to avoid any ignominy), who was employed as a *mali* (gardner)

with the Delhi Development Authority (DDA). She had alleged that she had been repeatedly raped by respondent nos. 4, 5, 6 and 7 in a room at the HRD Guest House which was under control of respondent no.4.

3. She had alleged that the Director of DDA (respondent no.4) and three other employees, namely, D.V. Rawal, Manoj Kumar and H.S. Rawat had kept her in a room at the HRD Guest House where she was exploited by these persons. These persons used to take her to a premises at Gurgaon and she was exploited at the said premises as well. She also alleges that certain videos were also made and she was threatened that the same would be made public.

4. Although direct allegations have been made against four persons, only one accused (DV Rawal) has been arrested and a chargesheet has been filed against him. It is alleged that the respondent no. 4 has not even been interrogated by the police. The petitioner also alleges he has influenced the witnesses and has also attempted to tamper with the evidence.

5. Admittedly, the two registers – attendance register and visitor register – for the period in question have not been seized. The visitor register has been reported missing.

6. It is also alleged that proper investigations have not been made insofar as respondent nos. 4, 6 and 7 are concerned.

7. A reply to the status report has also been filed which also mentions that one of the security guards at the said guest house had made a complaint to the Lieutenant Governor on 18.09.2015.. He alleged that the petitioner was posted as a Gardener in DDA and had been residing in a room in the DDA Complex free of cost whereas the rent for that room was ₹2,000/- per day. He had complained that the petitioner was acting as the owner of the

complex as she was close to “*Mr Rawal Sir*”, who is a nephew of respondent no.4.

8. The status report also does not indicate whether any investigation was carried out regarding whether the petitioner was kept in a room at HRD Centre and if so, under whose authority she was so kept. The status report also does not indicate whether any investigation has been carried out in respect of the premises in Gurgaon in which the petitioner alleges that she was taken repeatedly.

9. The grievance of the petitioner that investigation is not being properly carried out, appears warranted.

10. At this stage, this Court is not inclined to examine the matter in any further depth. However, it is apparent that there are several loose ends that require to be properly investigated. In the circumstances, this Court directs that the prosecution of this case be transferred to the Crime Branch of Delhi Police, South District. The Crime Branch shall also review the investigation already done and evidence collected. They shall be at liberty to carry out further investigations and if necessary, to file a supplementary chargesheet.

11. The petition is disposed of with the aforesaid directions. All contention of the concerned parties are reserved.

12. The pending application is also disposed of.

13. The Registry is directed to send a copy of this order to the Commissioner of Police for compliance of the same.

VIBHU BAKHRU, J

DECEMBER 02, 2019/pkv