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

+ W.P.(CRL) 3508/2019

SMT. PREETI RASHMI KUMAR & ANR. Petitioners

Through: Mr Ashok Kumar Panda, Senior
Advocate with Mr Aniruddha
Purushotham, Mr Satyabrata Panda
and Mr Manoranjan Paikaray,
Advocates.

versus

STATE & ORS. Respondents

Through: Ms Nandita Rao, ASC (Criminal) for
State.
Inspector Ved Parkash and SI Rajesh
Kumar, PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.02.2020**

1. The petitioners have filed the present petition, *inter alia*, praying that investigation in connection with FIR No. 0587/2019, under Sections 301/201 of the IPC, registered with Police Station Mehrauli be transferred to another agency.
2. The petitioners, who are relatives of the deceased, allege that proper investigation has not been conducted and the accused has also not been arrested as of yet.
3. The said FIR was registered pursuant to a DD Entry (DD No. 45A dated 08.09.2019) recording that a PCR call had been received that the husband of the deceased had murdered his wife (the deceased) and had cremated her without informing any of her relatives.

4. Subsequently, it was found that the PCR call was made by Dr. KPS Malik, who is one of the relatives of the deceased.

5. The husband of the deceased (Karamveer Singh) was contacted and it is an admitted case that he had cremated his wife. He stated that on the intervening night of 05/06.09.2019 at about 04:00 am, his wife had woken him up and informed that she was not well. He stated that, thereafter, he called his nephew Krishan Singh to come to JVTs Garden from Mandi Village. However, his nephew could not come as he could not find the keys of his car. He stated that, thereafter, he put his wife (deceased) into a car and to take her to the hospital. He had picked up his nephew Krishan Singh and both of them had driven towards Gurugram to take the deceased to the hospital. However, when they reached near Aaya Nagar, Krishan had received a call from his Aunt (Seema) who asked them to admit Shaila Singh (the deceased) to AIIMS Hospital. He had stated that they had turned the car around and on the way, he found his wife had soiled her clothes and had expired. Admittedly, he did not go to any hospital but he took his deceased wife to his native village where he cremated her.

6. It appears from the status report that no person had examined the deceased and apart from the statement of the husband of the deceased and his nephew that she had expired, there does not appear much evidence that has been garnered. The learned senior counsel for the petitioner points out that FIR in question was registered after forty-one days and the complainant and the Investigating Officer are one and the same person.

7. There is, undoubtedly, an inordinate delay in filing the FIR since it

was clear at the beginning that the husband of the deceased had cremated her without any doctor or other person examining the deceased and without even a permission/intimation to move the body.

8. This Court is of the view that a more proactive investigation in this regard would be required. It appears that the concerned officers of Police Station Mehrauli have been wanting in this regard.

9. Accordingly, the present petition is allowed and further investigation in regard to the FIR is transferred to DIU, South.

10. The concerned officer is directed to forthwith issue the necessary orders for transferring of the investigation as directed.

FEBRUARY 12, 2020
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VIBHU BAKHRU, J