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

+ **W.P.(CRL) 35/2020 & CRL.M.A. 1179/2020**

ASHOK KUMAR DUREJA

..... Petitioner

Through Mr Sudhadhar Kumar, advocate.

versus

STATE OF THE NCT OF DELHI & ANR

..... Respondents

Through Mr Amarpreet Singh, Advocate for
Mr Rahul Mehra, Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.01.2020

CRL.M.A. 1179/2020

1. The petitioner has filed the present application seeking restoration of the above captioned petition that was dismissed in default on 08.01.2020.
2. For the reasons stated in the application, the same is allowed. The petition is restored to its position as obtaining on 08.01.2020.

W.P.(CRL) 35/2020

3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the Crime Branch of Delhi Police to investigate the case relating to FIR No. 384/2019 under Sections 307/120-B/506/34 of the IPC and Section 25/27 Arms Act, 1959 and file a report before this Court. It is also prayed that the investigation be conducted under the Supervision of the Deputy Commissioner of Police (East) in a fair and impartial manner.
4. The learned counsel appearing for the petitioner states that the present

investigation is being conducted by an IO who is also the complainant in the said case, which is not permissible. He prays that therefore, the investigation be directed to be conducted by any independent agency. The said contention is unmerited. The IO is not the complainant in the present case and therefore the petitioner's contention in this regard is misconceived.

5. At this stage, the learned counsel appearing for the petitioner states that he would be satisfied if directions are issued that the investigation be conducted under the supervision of Deputy Commissioner of Police (East) since, according to the petitioner, he had been detained illegally. The learned counsel appearing for the respondent states that the respondent would have no objection if such a direction is passed.

6. In view of the above, the present petition is disposed of by directing that the investigation in relation to FIR No. 384/2019 be conducted under the supervision of the concerned DCP (East).

VIBHU BAKHRU, J

JANUARY 20, 2020

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