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

+ **W.P.(CRL) 723/2020**

MOHD. MOHSIN

..... Petitioner

Through **Mr. Parwez Dabas, Mr. Habibur
Rahman and Mohd. Noorullah,
Advocates.**

versus

STATE & ANR

..... Respondents

Through **Mr. Rahul Mehra, Standing Counsel
for the State with Mr. Chatanya
Gosain and Mr. Divyank K. Tyagi,
Advocates with Insp. Vineet Pandey,
SI L.N. Sharma, ASI Ramdass PS
Gokul Puri.**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **16.03.2020**

Issue notice.

Mr. Rahul Mehra, learned standing counsel appearing for the State enters appearance and accepts notice. He has tendered in Court status report, which is taken on record.

As per the status report, the body of the petitioner's brother namely, Mursaleen, aged about 33 years, who went missing on 26.02.2020 was recovered on 28.02.2020 from Johripur Ganda Nala, Gokalpuri, Delhi, vide DD No. 28A dated 28.02.2020 Police Station

Gokalpuri. The post mortem of Mursaleen was conducted on 02.03.2020 at GTB Hospital vide Post-Mortem No. 370/2020 and videography of the post-mortem proceedings was also done. During the post-mortem the doctor had preserved the tooth of the deceased and blood in gauze for DNA analysis. The body of the missing person was preserved in the mortuary at GTB Hospital, Shahdara, Delhi for identification purpose. Eventually, the body of the missing person Mursaleen was identified on 12.03.2020 and the body was handed over to the father of the missing person, namely, Sh. Yameen Khan on 13.03.2020. The status report discloses that for DNA Verification, blood in gauze of Aman, son of the deceased Mursaleen, as well as his father is being sent to FSL, Rohini, from the preserved DNA samples of the deceased Mursaleen.

Mr. Rahul Mehra, learned standing counsel has tendered in Court the post-mortem report which, apart from other injuries, showed lacerated wound of size 1 X 0.5 X 0.5 cms. placed on outer aspect of right upper thigh 11.0 cms. below and behind right ant. hip iliae spine.

We are informed on query that FIR has still not been registered, only DD No 28A has been made on the complaint dated 1.3.2020 because the cause of death as per the post mortem report was awaited as it was to be given after receiving viscera analysis report.

Considering the fact that Mursaleen went missing during the course of unfortunate riots which took place in North-East Delhi; his body was recovered from the same drain from which several other bodies of riot victims had been recovered; that his body had been

found to have several wounds including lacerated wound, in our view, aforesaid is no justification enough not to register the FIR.

Mr. Mehra has assured that the FIR would be registered during the course of the day itself on the complaint made by the wife of the missing/deceased person. Let the same be done today itself and investigation would be undertaken in accordance with law and the petitioner as well as the complainant-wife would be kept informed of the progress made.

The petition is disposed of in the aforesaid terms.

Dasti.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MARCH 16, 2020

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