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

+ **W.P.(CRL) 951/2020**

**AMRITA KAUR**

..... Petitioner

Through: Mr. Sandeep Mishra, Advocate.

versus

**STATE**

..... Respondent

Through: Ms. Richa Kapoor, ASC for State.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

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**22.06.2020**

CM No. 8002/2020 (Exemption)

1. Exemption allowed, subject to all just exemptions.
2. The application stands disposed-off.

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3. The hearing was conducted through video conferencing.
4. The petitioner had levelled charges of rape against a police constable on 16.04.2020 through a PCR call. A FIR was registered on 17.04.2020. It has been more than two months now and according to the learned counsel for the petitioner, no action has been taken against the said police official and there is hardly any progress in the matter. He submits that in the interim, the said police constable has called the petitioner a number of times, i.e., on 22.05.2020 he had called the petitioner 22 times. Furthermore, he had also been trying to contact her on various days. The petitioner has also complained of being stalked by the said police constable and his sympathisers, on various

occasions; a number of motorcycles and cars have been seen outside her house to threaten her and messages have also been sent to her to withdraw the complaint. In the circumstance, SHO of Police Station, Chittaranjan Park, New Delhi, shall assess the threat to the safety and security of the petitioner and shall accord her protection as may be deemed necessary. In the first instance, telephone numbers of three police officials of which two shall be of lady officers shall be provided to the petitioner. These numbers shall be kept operational at all times, so that in case of any exigency the petitioner is able to intimate the police through telephone call, SMS or by video call, etc. Communication from her shall be promptly responded to by the police. Furthermore, the Beat Constable/Duty Constable for the area, shall ascertain the safety of the petitioner every alternate day for the next one month, by telephone/video call.

5. The learned counsel for the petitioner submits that the telephone records of the police constable have not been obtained thus far by the Investigating Officer nor has CCTV footage of the hotel where the incident happened been obtained by the police; and this tardiness is likely to seriously prejudice the petitioner's case.
6. Ms. Richa Kapoor, the learned Additional Standing Counsel for the State, who appears on service of an advance copy of the petition, submits that the Delhi Police has taken a serious view into the matter; the initial Investigating Officer has been removed and a new Investigating Officer has been appointed and the matter will be promptly taken to its logical end.
7. It is the petitioner's grievance that the said accused police official has

worked in various jurisdictions in South Delhi and would make an endeavour to exert his influence over his colleagues; in the circumstances, it would be appropriate that the case be investigated by another investigating agency. Accordingly, FIR No. 113/2020 registered under sections 376/506/323 at Police Station Chitranjan Park, New Delhi stands transferred to the Crime Cell of Delhi Police. The relevant records shall be handed over to the Crime Cell by the official concerned within three working days.

8. The writ petition stands disposed-off in the above terms.
9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

**NAJMI WAZIRI, J**

**JUNE 22, 2020/RW**