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

+ **W.P.(CRL) 1139/2020**

ABC

..... Petitioner

Through Mr M.L. Sharma, Advocate.

versus

COMMISSIONER OF DELHI POLICE AND ORS..... Respondents

Through Mr Mr Avi Singh, ASC for State.

Mr Anupam S. Sharma, SPP-CBI with

Mr Prakarsh Airan, Mr Harpreet Kalsi, Advocates
for R3-CBI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.07.2020

[Hearing held through video conferencing]

CRL. M.A. 10001/2020 & CRL. M.A. 10002/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1139/2020

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

" (i) To refer F.I.R no. 460 of 2015 dt. 4.4.2015 at P.S. Neb Sarai New Delhi to C.B.I. imposing S. 107, 328, 354, 354A, 354B, 375, 376, 376-D, 377, 120B r. w. 357, 327/528/ 330/365/511/ 34 ,107 & others of IPC, as reveal within the statement & M.L.C. in the F.I.R. and to arrest them to file their report before this Hon'ble court

and prosecute them under day-to-day trial within the supervision of this Hon'ble court in the interest of Justice. AND/ OR

(ii) Be also pleased to issue of writ of mandamus to impose S.107, 304, 328 354, 354A,354B, 375, 376, 376-D, 377, 120B and others of IPC in F.I.R no. 460 of 2015 dt. 4.4.2015 at P.S. Neb Sarai New Delhi for the offences reveals within the victim's statement in F.I.R. no. 460 of 2015, arrest all accused persons and to file their report before this Hon'ble court for further direction to file chargesheet to prosecute them under day to day trial within the supervision of this Hon'ble Court to provide justice to the petitioner in accordance of law "

3. Mr M.L. Sharma, learned counsel appearing for the petitioner submits that the necessary sections have not been included in the FIR and therefore, the necessary investigation has not been conducted by the Delhi Police. He submits that the inaction on the part of the investigating agency is inexplicable and therefore, the investigation in the matter is required to be transferred to another agency.

4. The petitioner has made several allegations in the present petition including of incidents alleged to have occurred in the State of Chattisgarh.

5. Mr Avi Singh, learned ASC appearing for the State states that the alleged offences are required to be investigated by the Chattisgarh State Police and not by the Delhi Police. He further states that a final report in the FIR in question would be filed by the Delhi Police with the concerned Court within a period of four weeks.

6. In view of the above, this Court does not consider it apposite to examine the averments made in the present petition.

7. In the event the necessary sections have not been included or the

offences have not been properly investigated; the concerned Court would have the jurisdiction to examine the same once a final report has been filed. All rights and contentions of the parties are reserved.

8. The petition is disposed of with the direction to the Delhi Police to ensure that the final report is filed within a period of four weeks from today as stated by Mr Avi Singh.

JULY 28, 2020
pkv

VIBHU BAKHRU, J