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

+ **W.P.(CRL) 1392/2020**

MANISHA DEVI

..... Petitioner

Through: Mr Gaurav Sharma, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Mr Rajesh Mahajan, ASC for State
with Insp. Govind Chauhan, Tughlak
Road Police Station.
Mr Ripudaman Bhardwaj, SPP for R-
3/CBI.
Mr Amit Mahajan, CGSC and Mr
Gitesh Chopra, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.09.2020

[Hearing held through video conferencing]

CRL.M.A. 12178/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1392/2020

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued for transfer of the investigation in FIR No.0052/2020 under Section 302 of the IPC registered with PS Tughlak Road to any independent agency such as CBI, Crime Branch.

3. The FIR in question was registered on 25.07.2020 pursuant to a report that bodies of two CRPF officials, who were deployed in the security detail

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at premises No.61, Lodhi Estate, New Delhi, were found. It was reported that gunfire had been heard in the guard room. One of the police officials, at the instance of whom the FIR was registered, had proceeded to the spot. A plain reading of the FIR indicates that he had reported what he visually saw at the scene of the crime.

4. The petitioner is the daughter of one of the deceased CRPF officials. Apparently, the investigation has proceeded on the hypothesis that the petitioner's father had killed his senior and had, thereafter, committed suicide.

5. The learned counsel appearing for the petitioner has also referred to the post mortem report of the petitioner's father, which indicates that the investigation has proceeded on the basis that he had committed suicide by firing upon himself. Mr Sharma, the learned counsel appearing for the petitioner states that the FIR does not record that either of the two deceased had committed suicide and the assumption that the petitioner's father had committed suicide is erroneous. He submits that proper investigation is not being conducted. According to him, the scene of the crime indicates that two murders were committed and there is no reason to believe that the petitioner's father had committed suicide.

6. Mr Mahajan, learned ASC appearing for the State submits that the investigations are as yet incomplete. He states that the statements of the other persons have been recorded. In addition, the firearms issued to the two deceased CRPF officials have been sent to FSL along with the cartridge shells. He states that a comprehensive investigation is being conducted.

7. The fact that FIR does not report that the petitioner's father had committed suicide need not influence the investigation in this case. It is also

not necessary that the FIR record inferences. This Court finds no reason to believe that the investigation is not being conducted in a proper manner or that there are grounds for transferring the investigation to another agency.

8. Mr Sharma also expressed his apprehension that the case diaries would be destroyed. The said apprehension is unfounded. This Court has no reason to believe that the case diaries would be tampered with or destroyed. Nonetheless, since this apprehension has been expressed, this Court directs that the case diaries in this case shall be preserved.

9. The present petition is dismissed with the aforesaid directions. It is clarified that all rights of the petitioner to object to a final report that may be furnished are reserved.

VIBHU BAKHRU, J

SEPTEMBER 04, 2020
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