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

+ **W.P.(CRL) 2753/2019**

KIRAN

..... Petitioner

Through Mr Jai Subhash Thakur, Mr Vikas Saini,
Mr Kawal Preet Singh, Advocates.

versus

STATE & ORS.

..... Respondents

Through Mr Rahul Mehra, Advocate with
Mr Amarpreet Singh, Mr Anand Thumbajil,
Advocates.
Insp. Rakesh Kumar, SHO Shahbad Dairy.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.02.2020

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

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“i) To provide the security to the petitioner.

ii) To call for status/action taken report may kindly be called immediately.

iii) To Direct the S.H.O. P.S. Shahbad Dairy to add appropriate section in the present F.I.R. & arrest the accused persons.

iv) To give Necessary directions may be issued to the S.H.O. P.S. Shahbad Dairy, Delhi to collect/seize the knife, danda and relevant documents including the

videography at the Chowki Metro Vihar and Ambedkar Hospital, Rohini for the relevant time or from the accused for the proper investigation of the case.

To direct D.C.P. Rohini to transfer the case to other investigating unit except P.S. Shahbad Dairy.

vi) To Monitor the investigation proceeding of the complaint registered in the office of SHO Shahbad Dairy, Delhi as this Hon'ble Court has vast powers to monitor the investigation as per the judgment laid down by Hon'ble Supreme Court of India in the case of Shakiri Vasu Vs State AIR 2005 SC 3353, reported in JCC.”

3. Insofar as the petitioner's prayer for seeking security is concerned, the concerned authorities have examined the matter and it is stated that there is no perception of any threat to the safety of the petitioner.
4. The petitioner alleges that she and her family members were attacked on 17.03.2018 by police officials and respondent nos. 2 to 5, who are also residents of the locality, where the petitioner resides.
5. The status report indicates that a scuffle had broken out between two group of persons from the same neighbourhood and persons from both the groups have filed their respective FIRs, which have been registered.
6. Mr Rahul Mehra, learned Standing Counsel appearing for the State further states that investigation has been completed and the charge sheet has been prepared and the same is in the process of being filed in the Court. He states that both the charge sheets will be filed within a period of two weeks from today. In view of the above, no further orders are required to be passed with regard to seeking any action taken report or status report from the police authorities.

7. Insofar as the allegations against police officials is concerned, a vigilance enquiry was held and it has not found merit in the allegations against the police officials.

8. The learned counsel appearing for the petitioner also prays that appropriate sections be added to the present FIR and the accused persons be arrested. The learned counsel submits that the complaint made on 18.03.2018 had also mentioned certain other offences and appropriate sections in this regard had not been noted in the FIR. He pointed out that the complainant also alleged that her clothes were torn and attempts were made to outrage her modesty and rape her. Mr Mehra, learned Standing Counsel states that in this regard, a vigilance inquiry was also conducted as the police officials were present at the spot and the inquiries revealed that no such incident had taken place. He submits that the entire result of the investigation would be placed before the Trial Court.

9. He further states that the petitioner had filed an application under Section 156 (3) of the Cr.P.C. seeking a similar relief, however, the said petition was dismissed. The petitioner has not assailed the said order.

10. In view of the above, this Court does not consider it apposite to issue any directions in this regard except to direct that if the Trial Court finds any material or any reason to believe that appropriate sections of IPC have not been added, the Trial Court is not precluded from issuing appropriate directions.

11. Insofar as the prayer for tracing out the knife, *danda* and other relevant documents including videography is concerned, this Court is informed that efforts were made to recover knife/*danda* but none was found

at the spot. Further, the videography at the Chowki Metro Vihar Ambedkar Hospital, Rohini is also not available as there was no such facility available at the relevant time.

12. In view of the above, this Court finds no reason to pass further orders in this petition except to bind down the IO to the statement that the charge sheet would be filed within a period of two weeks from today.

13. All rights and contentions of the petitioner are reserved.

14. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

FEBRUARY 05, 2020

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