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

Date of decision: 27th January, 2020

+ W.P.(C) 5452/2018 and CM No. 25933/2018

COURT ON ITS OWN MOTION Petitioner
Through: Court on its own motion

versus

COMMISSIONER OF POLICE & ANR. Respondents
Through: Mr. Rahul Mehra, Standing Counsel
(Criminal) with Mr. Satyakam, Addl.Standing
Counsel, Mr. Chaitanya Gosain and Mr. Divyank
Tyagi, Advs.
Ms. Poonam Sharma, AD (Bio) FSL, Rohini with
Mr. Avinash Shrivastava, SSO(Ballistics)
Insp. Rakesh Kumar Sharma and SI Mahavir from
Police Station Daryaganj

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **ORDER**
27.01.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 5452/2018

1. This writ petition has been initiated by the Court on its own motion because of the following facts :

*“1. That on 14.05.18 at 07.45AM approx., a PCR call vide DD
No. 9A was received at PS Darya Ganj, regarding an unknown*

female dead body lying inside the park near Ghatta Masjid, Darya Ganj. The DD entry was entrusted to SI Baljinder Singh who along with HC Somnath No. 1423/C reached at the spot and found one female dead body near old wall. The head of the female dead body was crushed seemingly with a stone and the deceased female was seminude. The deceased female was approx. 25-30 yrs old and was wearing golden cream colour kurta and the legging of black colour was lying nearby. One blood stained Kota stone slab was lying towards the head of the deceased and one blood stained iron like stone was lying towards the feet of the deceased near the wall and blood stained hair were found on iron like stone. The feet of the deceased were pointing towards west and head was pointing towards east. The right hand of the deceased was towards north and left hand towards south. One of the right arm of the deceased had tattoo, SONI or SOZI which was written in Hindi and RAHUL KUMAR was written in English.

2. Thereafter, the crime team was called at the spot. The crime team took the photographs and exhibits (blood stain stones, fluid stain, blood stain, lady shoes/Juti, blanket, underwear, hair etc) and lifted them with the help of crime team & took into police possession through seizure memo. The dead body was sent to MAMC mortuary and was preserved for 72 hours with intended objective to conduct the exercise for establishing identity of the deceased during this period. The fluid stains from the body of the deceased were collected by the doctor at mortuary MAMC.

3. Accordingly, FIR number 142/18, U/s 302 IPC in PS Darya Ganj, Delhi, was registered and investigation was taken up by Insp. Mangesh Gedam, SHO/ PS Darya Ganj.”

2. We have heard learned counsel for the respondents who has submitted that in this case detailed investigations have been carried out in pursuance of the FIR lodged by the police. The charge sheet has already been filed. Moreover, in pursuance of the order dated 16th May, 2018 passed by this Court, further steps have also been taken and an affidavit in this regard dated 31st May, 2018 has been filed by the respondents. It is also submitted by learned counsel for the respondents that in pursuance of another order dated 9th April, 2019 of this Court, one compliance report has been filed on 24th January, 2020, paragraphs 2 and 3 of the said report read as under :

“2. That in continuation of submissions already made before this Hon’ble Court vide affidavit dated 31.05.2018, it is submitted that for creation of space project for construction of an additional multi-storeyed building having 06 floors with built up area of 8590 sqm in the premises of FSL, Rohini, Delhi, has been taken up by the PWD authorities. Work tender has been allotted to M/s Tewatia Construction Pvt. Ltd. by PWD, Delhi on 13.11.2019 with the direction to complete the work within 15 months (Copy of work tender is enclosed as Annexure A). The requisite additional space will be provided to the Biology Division in the newly constructed Annexe

3. That in compliance to the Hon’ble High Court Order dated 16.05.2018, the laboratory has developed full-fledged facilities to generate the DNA Profiles from the

samples/exhibits related to unidentified bodies within the existing infrastructure and samples are being preserved in appropriate storage conditions. It is submitted that in compliance of Hon'ble High Court Order dated 16.05.2018, all the DNA Profiles of all unidentified bodies are being preserved in laboratory."

3. In view of the aforesaid submissions and also looking to the facts that an FIR has been lodged, charge sheet has already been filed, the criminal law has been put in motion and since the respondents have also taken requisite action as stated in paragraphs 2 and 3 of their compliance report and also in furtherance of their earlier affidavit dated 31st May, 2018, we see no reason to further monitor this case.

4. We expect from the respondent that the steps initiated by them shall be brought to finality, specifically for creation of additional space for Forensic Science Laboratory (FSL).

5. With these observations, this writ petition is hereby disposed of.

CM No. 25933/2018

1. In view of the disposal of the writ petition, this application also stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

JANUARY 27, 2020/kr