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

+ **W.P.(CRL) 3301/2018 & CRL.M.A. 35174/2018**

UMESH CHANDRA ADVOCATE & ANR. Petitioners

Through Mr Kamran Malik, Advocate with
Mr Bhagwan Sahai, Advocate.

versus

STATE GOVT OF NCT OF DELHI & ORS Respondents

Through Ms Kamna Vohra, ASC for State.

SI Manmeet, P.S. Okhla Ind. Area

present.

Mr Nitinja Chaudhry, Advocate with Mr Alok Kr
Tripathi, Advocate for R5.

SI Mannat, P.S. Okhla I.Area.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.01.2020

1. The petitioners have filed the present petition, *inter alia*, praying that the FIR No. 364/2018 under Sections 308/506/34 of the IPC, registered with Police Station Okhla Industrial Area and all proceedings emanating therefrom, be quashed.
2. The learned counsel appearing for the petitioners does not dispute that the said FIR discloses commission of an offence. He, however, submits that the FIR is required to be quashed, as it was filed at a belated stage. It is alleged that the incident had occurred on 11.08.2018 and a complaint in this regard was lodged on 18.08.2018. The FIR in question was filed at a belated stage on 04.09.2018.

3. He also states that the allegations that the petitioners had thrown the child victim from his house is *ex facie* unbelievable, as his residence is located on the fourth floor and if any child would have been thrown from that floor, he would not have survived. He also states that the investigation is being done in a biased manner and none of the information provided by the petitioners is being considered by the investigating agency.
4. This Court is not persuaded to accept that the FIR in question is liable to be quashed at the threshold. The consequence of delay in filing the FIR would be considered by the Trial Court at an appropriate stage. Undisputedly, the FIR in question does disclose commission of an offence and matter is at the initial stage of investigation.
5. Insofar as the prayer for transferring of the investigation is concerned, without going into the allegations made by the learned counsel appearing for the petitioners and in order to obviate any further allegations of bias, this Court considers it apposite to direct that further investigation in this case be transferred to DIU (South East). The Commissioner of Police is directed to take effective steps for ensuring that further investigation is transferred to the DIU.
6. The petition is disposed of with the aforesaid directions. The pending application is also disposed of.
7. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

JANUARY 15, 2020

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