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

+ **W.P.(CRL) 128/2024 and CRL.M.A. 1086/2024**

SMT BEENA DEVI

..... Petitioner

Through: Ms.Anju Kumari, Advocate

versus

UNION OF INDIA THROUGH ITS SECRETARY & ORS.

..... Respondents

Through: Mr.Amit Tiwari, Sr. Panel Counsel with
Mr.Chetanya Puri, Advocate for respondent No.1
Mr.Sanjeev Bhandari, ASC with SI Naresh Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **12.01.2024**

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking following prayers:

i. To transfer the Investigation in case FIR No. 577/2023 dated 08.12.2023, under section 304/34 IPC, Police Station Baba Hari Das Nagar, Delhi from Respondent No.4 (SHO Police Station baba Hari Das Nagar, Delhi) to Respondent No.2 (Central Bureau of Investigation because the Respondent No.4 is biased to perform proper and fair investigation due his involvement as well as involvement of ASI Vidya Nand and other police officials.

ii. To declare the inaction on the part of Respondent No. 4 to record the statement of the petitioner, Yogesh Kumar and other persons in respect of in case FIR No. 577/2023 dated 08.12.2023, under section 304/34 IPC, Police Station Baba Hari



Das Nagar, Delhi in respect of involvement of Respondent No. 4 to 7 and other persons for executing the present heinous Crime of murder of son of petitioner as illegal, arbitrary and unconstitutional and direct the Respondent No. 2 to record the statement of the petitioner, Yogesh Kumar and other persons fairly without under the pressure/influence of senior officials of Delhi Police.

iii. Direct the Respondent no. 2 to preserve the Call details of ASI Vidya Nand Mobile No. 9717221251 and Rahul's mobile numbers 7011503121 and 9650271421 w.e.f. 06.12.2023 till 08.12.2023 and CCTV footage of police station and scenes of crime.

iv. Any other order or relief that this Hon'ble Court may deem fit and proper in the facts of the case be also passed in favour of petitioner."

2. Petitioner aged 56 years and a widow, has alleged that her son Rahul (now deceased) was kept in illegal detention by police officials of P.S. Baba Hari Das Nagar in the intervening night of 6-7 December 2023. Earlier, on that day, Respondent No.6, 7 and their associates had tried to snatch money from Rahul and also gave him beatings. When Rahul reached the police station, he was kept in illegal detention and when his health deteriorated, he was taken to Rao Tula Ram Hospital, Jaffarpur on next day where he expired.

3. Considering the averments and the prayers made in the petition, it is deemed apposite that the investigation be transferred to the Crime Branch forthwith.

4. The Investigating Officer shall also ensure that the call details and CCTV footage, as prayed for in prayer (iii) are preserved.



5. Insofar as prayer in CRL.M.A. 1086/2024 is concerned, the concerned ACP, SHO and the beat officer shall provide their mobile numbers to the petitioner.
6. In view of the above, the present petition is disposed of alongwith the pending application.

MANOJ KUMAR OHRI, J

JANUARY 12, 2024

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