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

+ **W.P.(CRL) 545/2024**

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..... Petitioner

Through: Ms.Mumtaz Ahmad, Advocate with
petitioner in person

versus

STATE OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Rahul Tyagi, ASC (Crl.) with
Ms.Priya Rai, Mr.Sangeet Sibou and
Mr.Jatin, Advocates for State with SI
Jitender Singh, PS Malviya Nagar an
Insp. Arun Verma, Cyber PS South
for respondents No.1 to 3.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

16.02.2024

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1. Petition under Articles 226 & 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner with following prayer:

“a. Issue the directions to the IO to comply with the directions laid down in Lalita Kumari v. State of U.P.”

2. Learned counsel for the petitioner submits that since mobile phone of the petitioner/complainant has been hacked by respondent No.4, complaints in this regard were forwarded to respondent No.3, SHO, PS Malviya Nagar on 02.01.2024 and 05.01.2024. Again a complaint was forwarded to DCP, Hauz Khas through speed post but no action has been initiated on her complaint.



3. Learned ASC for respondents No.1 to 3 appears on advance notice and submits that an application under Section 156(3) Cr.P.C. has already been preferred on behalf of the petitioner before learned CMM, South which is coming up for consideration on 21.02.2024.

4. The fact that proceedings under Section 156(3) Cr.P.C. have already been instituted by the petitioner, does not appear to have been reflected in the petition and such practice needs to be discouraged. The alternate remedy has already been availed by the petitioner by filing of application under Section 156(3) Cr.P.C. Section 156(3) Cr.P.C. gives ample power to learned MM to direct a proper investigation, if required, or monitor the same.

Since an application has already been preferred on behalf of the petitioner under Section 156(3) Cr.P.C., it may not be appropriate to issue any further directions since the matter is under consideration of learned CMM.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 16, 2024/v