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

+ **W.P.(CRL) 823/2024**

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..... Petitioner

Through: Mr.Kunal Aggarwal and Mr.Nitin Kr.,
Advocates

versus

STATE & ANR.

..... Respondents

Through: Mr.Sanjeev Bhandari, ASC

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.03.2024

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CRL.M.A. 7653/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 823/2024

1. By way of present petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., the petitioner seeks following prayers:-

“(a) Issue a writ in the nature of Mandamus or any other writ, order and direction, thereby directing the transfer of investigation in FIR No. 117/2024 under section 376 IPC registered at PS: New Ashok Nagar to Crime Branch, Delhi Police or any other Specialised Investigation Agency for proper and fair investigation.”

2. Learned counsel for the petitioner submits that though the alleged



offence has occurred on 27.09.2023, however, till date the accused has not been located.

3. Issue notice.

4. Learned ASC for the State accepts notice and refers to the contents of the petition to submit that complaint came to be lodged only on 07.02.2024. The complainant has stated that because of her marriage, she did not give earlier complaint. It is also informed that the complainant has already preferred an application under Section 156(3) CrPC on 19.02.2024 for monitoring of the investigation. He further submits that the status report has already been filed in the aforesaid proceedings and that earnest efforts are being made to locate the accused. CAF and CDR have been taken on record, however, the owner of the mobile phone is not found to be residing at the address mentioned in the FIR. He submits that there is no laxity in the investigation.

5. Considering that the incident relates to an offence under Section 376 IPC and the further fact that an application is pending before the learned Metropolitan Magistrate, the present petition is disposed of with the direction that the Investigating Officer shall take all such necessary steps to ensure that the investigation reaches its logical conclusion. Further, the concerned DCP shall also supervise the investigation.

MANOJ KUMAR OHRI, J

MARCH 12, 2024

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