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

+ **W.P.(CRL) 1253/2023**

SUNITA CHAUHAN

..... Petitioner

Through: Mr. Aditya Aggarwal & Ms. Pooja
Roy, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Amol Sinha, ASC, Crl. for State
with S.I. Kapliamthang, PS Kirti
Nagar, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **01.07.2024**

CRL.M.A. 18747/2024 (Exemption)

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

CRL.M.A. 18746/2024 (u/S 482 of Cr.P.C., 1973)

3. By way of present application, the applicant/petitioner seeks preponement of the next date of hearing from 22.10.2024.
4. Issue notice.
5. Mr. Amot Sinha, learned Additional Standing Counsel appearing on behalf of the State, accepts notice and submits that he has no objection if the present application is allowed.
6. In view of the submissions made, the present application is allowed and disposed of.

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7. The present Petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following prayer: -

“a. Allow the present petition and may direct to issue any Writ/direction/order to transfer the investigation to the appropriate investigating agency as deem suitable and appropriate to this Hon’ble Court and direct the investigating agency to incorporate Section 304 part II of the Indian Penal Code, 1860 and then to do the investigation in FIR No. 89/2023 under Section 279/304A IPC, 1860 at P.S. Kirti Nagar.”

8. It is submitted in the present petition that the CDR records of the accused show that he was not present on the site of accident. In fact, the accident has been caused by one lady. Despite repeated requests to call for the CDRs of the children of the owner of the vehicle, the police has failed to do so and there is no guarantee of fair investigations.

9. It is further submitted that it is the victim who had suffered and a request is made that the investigations be transferred to an independent agency.

10. Learned Additional Standing Counsel on behalf of the State submits that the investigations have been done fairly and the Chargesheet has already been filed. The matter is now listed for framing of charges on 05.07.2024.

11. Learned Additional Standing Counsel on behalf of the State further submits the CDR records of the accused had been collected and he was found in the vicinity of place of accident. He also submits that the Police had fairly conducted the investigations and the CCTV footages from the nearby areas had also been obtained. It is also submitted that *prima facie* the accused was found guilty of the offence and hence, after doing proper investigations, the Chargesheet has duly been filed.

12. **Submissions heard.**



13. Considering that the Chargesheet has already been filed and the matter is pending at the stage of framing of charges, it would be pre-emptive to direct any further investigations by an independent agency. The petitioner/victim is at liberty to agitate her concerns before the Ld. M.M.

14. In view of above, there is no merit in the present petition, which is hereby dismissed along with pending applications, if any.

15. The next date of hearing i.e., 22.10.2024 already fixed, stands cancelled.

NEENA BANSAL KRISHNA, J

JULY 1, 2024

S.Sharma