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

+ **CRL.M.C. 3135/2023**

POOJA

.....Petitioner

Through: Mr. Vinayak Bhandari and Ms. Jaisal
Singh, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with Insp. Rohit Gahlot along with SI
Kamal Chaudhary and main IO SI
Manish and SI Vishal Tiwari

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

09.12.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioner seeking directions to the respondent to re-investigate the FIR No. 83/2020, dated 23rd February, 2020, registered at Police Station - Prem Nagar, Delhi for offences punishable under Section 306 of the Indian Penal Code, 1860 (hereinafter "IPC"), through a separate/independent agency.

2. Learned counsel appearing on behalf of the petitioner submitted that the FIR was lodged against the accused Annu @ Jannat, wife of her deceased husband after the information received by the



complainant/petitioner that her brother (the deceased) has committed suicide at his rental apartment on 22nd February, 2020.

3. It is submitted that after lodging of the FIR on 23rd February, 2020, the Police started the investigation and after completion of the investigation, the Police filed the chargesheet on 24th April, 2020. It is submitted that the accused was chargesheeted under Sections 306/389 of the IPC and on 16th December, 2020, the learned Trial Court framed the charges against the accused person under Sections 306/389 of the IPC.

4. Mr. Vinayak Bhandari, learned counsel appearing on behalf of the petitioner vehemently submitted that the Police have investigated the entire matter without examining the important and relevant witnesses. It is submitted that the Police has blatantly ignored certain important facts and evidence on record.

5. It is submitted that after perusing the photographs and the site map which was prepared by the Police during the investigation, it is clear that this is not a fit case of committing suicide. It is submitted that while investigating the matter, the Police has not taken into consideration the CCTV footage of the place where the incident took place.

6. It is submitted that the Police has failed to record the statements of key eye witnesses and co-accused persons and the same amounts deficiency in the investigation. It is submitted that the Police did not record the statement of Mr. Anuj Sharma who is a co-accused and an old accomplice of the main accused. The Police have also not recorded the statement of Ms. Suneina who is a friend of the accused and was present when the deceased was found to be hanging. Further, the Police have erroneously failed to take into consideration the neighbours' statement who heard people arguing in



the flat where the deceased was found to be hanging and the sounds of scuffle at the time of the incident.

7. It is submitted that the accused in her disclosure statement has clearly mentioned that she came to the place of incident with her mother i.e. Razia and specifically named her friend Suneina who was with her from 21st February, 2023 till around after-noon on 22nd February, 2023. It is stated in her disclosure statement that she allegedly found the deceased hanging when she entered the room along with her friend 'Suneina'. It is submitted that the Police did not question or record the statement of 'Suneina' who is an important eye witness.

8. It is submitted that there are deficiencies and inconsistencies in the investigation. *Firstly*, as per the Police crime report, the feet of the deceased were touching the ground when he was found hanging from the fan. *Secondly*, it is not explained as to how he hung himself since no stool or chair was found besides him. It is further submitted that there is no suicidal note found in place of the incident.

9. It is submitted that therefore, in view of the aforesaid deficiencies and inconsistencies in the investigation, it is prayed that the instant petition may be allowed and this Court may direct the respondent to re-investigate the entire matter through a separate/independent agency.

10. *Per contra*, Ms. Richa Dhawan, learned APP for the State fairly conceded to some extent that there are deficiencies and inconsistencies in the investigation. It is submitted that this Court may direct the respondent to further investigate the entire matter after taking into consideration the deficiencies, inconsistencies and irregularities as pointed out by the learned



counsel appearing on behalf of the petitioner under the supervision of the DCP concerned.

11. Heard learned counsel appearing on behalf of the parties and perused the contents made in the petition.

12. This Court is of the *prima facie* view that there are deficiencies and inconsistencies as pointed out by the learned counsel appearing on behalf of the petitioner during the arguments.

13. Therefore, taking into consideration the fair assistance from the learned APP for the State, this Court is of the considered view that the matter requires further investigation under the guidance of the DCP concerned.

14. Accordingly, the DCP concerned is directed to constitute a special team for further investigation of the matter in light of the aforesaid contentions and observations, and the said investigation of the matter shall be concluded under the supervision of the DCP concerned expeditiously, preferably within three months.

15. It is also directed that the proceedings before the learned Trial Court be kept in abeyance till the submission of the supplementary chargesheet after completion of the further investigation as directed by this Court.

16. With the aforesaid directions, the petition stands disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J

DECEMBER 9, 2024

gs/ryp

Click here to check corrigendum, if any