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

+ **W.P.(CRL) 1224/2024**

**SETARA BIBI**

..... Petitioner

Through: Ms. Rebecca John, Senior Advocate  
with Mr. Dushyant Kumar, Ms. Mangla Verma,  
Ms. Sayara Srikumar, Ms. Joicy, Ms. Anushka  
Baruah and Mr. Pravir Singh, Advocates.

versus

**STATE OF NCT OF DELHI & ORS.**

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for State  
with Ms. Anvita Bhandari, Mr. Kunal Mittal, Mr.  
Arit Sharma and Mr. Vaibhav Vats, Advocates  
with Insp. Dheeraj Yadav, PS: Subhash Place.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **23.04.2024**

**CRL.M.A. 11861/2024 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**W.P.(CRL) 1224/2024**

3. This writ petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking the following reliefs:-

*"a) issue a Writ/ Order/ Direction in the nature of Mandamus and/ or any other Writ/ Order/ Direction in the nature of any other appropriate Writ thereby directing Respondent No.2 to register an F.I.R under Section 166, 302, 325, 331, 352, 34 of Indian Penal Code, 1860 against the Investigating Officer, SHO and the other erring police officials of Police Station Subhash Place.*

*b) issue a Writ/Order/Direction in the nature of Mandamus and/ or any other Writ/ Order/ Direction in the nature of any other appropriate Writ thereby directing the Respondent No. 2 to constitute a Special*



*Investigation Team for impartial investigation into the FIR thus registered under the monitoring of this Hon'ble Court.*

*c) In the alternative, to issue a Writ/Order/Direction in the nature of Mandamus directing the Ld. Inquiry Magistrate inquiring into the custodial death of Sheikh Sahadat to conclude the inquiry expeditiously*

*d) In the alternative, issue a Writ/Order/Direction directing the Ld. CMM, North West District, Rohini Courts to decide the application u/s 156(3) expeditiously in accordance with law, and without being impeded by the judicial inquiry."*

4. At the outset, Ms. Rebecca John, learned Senior Counsel appearing on behalf of the Petitioner, on instructions, restricts the relief to prayers (c) and (d). It is submitted that the present case relates to the unfortunate death of late Sh. Sheikh Sahadat on 23.07.2023 allegedly in the custody of the police officials of Police Station Subhash Place. Petitioner is a 22 year old widow of the deceased, who has been running from pillar to post in the hope of justice. It is urged that the Magisterial inquiry into the custodial death of Petitioner's husband had commenced on 23.07.2023 and is pending till date, despite passage of nearly 9 months, with no progress and/or hope of conclusion. On the other hand, the application under Section 156(3) Cr.P.C. is also pending and till date, the FIR has not been registered. Reading of order dated 22.12.2023 passed by learned Chief Metropolitan Magistrate, North West District, Rohini Courts, appended to the petition, reflects that FIR is not being registered awaiting the conclusion of the Magisterial inquiry and the FSL report. This, according to the learned Senior Counsel, shows complete insensitivity of the State to a serious issue, where a 32 year old person was found dead allegedly in police custody with black and blue marks of beatings all over his back and chest and swellings on his hands and legs, a fact recorded in a video by the family of the deceased, on their visit to the mortuary, where the dead body was lying.



5. Issue notice.
6. Learned ASC accepts notice on behalf of the State.
7. Looking at the facts and circumstances of the case and considering that the Magisterial inquiry had commenced on 23.07.2023 and is still pending and on account of pendency of the inquiry, learned CMM is not proceeding on the application under Section 156(3) Cr.P.C., it is directed that the Magisterial inquiry into the death of late Sh. Sheikh Sahadat shall be concluded as expeditiously as possible and not later than 3 months from today. A direction is also issued to the learned CMM, where the application under Section 156(3) Cr.P.C. is pending to proceed with the matter expeditiously including issuing a direction to the Director, FSL to furnish the report without any delay. Director, FSL is requested to look into the matter and ensure that the FSL report is sent expeditiously to the concerned Court.
8. This Court is sanguine and hopes and expects that the concerned Magistrate dealing with the inquiry and the learned CMM in *seisin* of the application under Section 156(3) Cr.P.C. will look into the matters with empathy, sensitivity and seriousness, required to be accorded and will act expeditiously.
9. Petition stands disposed of with the aforesaid directions.

**JYOTI SINGH, J**

**APRIL 23, 2024/shivam/kks**