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

+ W.P.(CRL) 1706/2019

MEHUL SINGH AHLUWALIA

..... Petitioner

Through: Mr. Manu Nayar, Ms. Samuartika
Pathak, Mr. Nitin Kumar, Advocates.

versus

STATE & ORS

..... Respondent

Through: Mr. Yasir Rauf Ansari, APP for the
State alongwith SI Radha Sharma,
CAW Cell/SED.
Mr. Anil Sharma, Mr. Arpit Sharma,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.05.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C seeks the following prayer:

- “a) Direct the Respondent no. 1 to 4 to register a FIR against Respondents No. 5 to 8.
- b) Direct the Respondent no. 2 to record the evidence of the Petitioner through video conferencing.
- c) Quash the direction dated 22.02.2019, 08.03.2019 08.04.2019 given by the officer of Respondent no. 2 threatening to close the complaint being Complaint no. - 535 - C, on non-appearance of the Petitioner.”

2. Learned counsel appearing on behalf of the petitioner submits that the latter is a resident of Canada and she was unable to appear before the



Inquiry Officer on account of her medical condition and therefore, the complaint was closed with the following observations:

“It is pertinent to here mention that the complainant did not approach at CAW cell/SED to clarify the facts of the complaint hence; It is not justified to registration of FIR in the present complaint. Hence, it is, therefore requested that present complaint may be closed with the opportunity that if in future the complainant approach at CAWcell/SED same will be re-open and take further course of action as per the provisions

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(CHHITAR MAL) ASI
CAW CELL/SED

Insp. ASI/CAW/Cell/SED

As per the report of ASI Chhitar Mal, complainant Ms. Mehul Ahluwalia is presently studying in Canada from January 2016. An (Text Illegible) had been issued to complainant many times. But she did not approach yet to clarify the facts of her complaint. She did not join so far at this office. Hence, No more action is warranted at present from CAW cell/SED. It is therefore, requested that the present complaint may be closed with the opportunity that if in future the she approach at CAW cell/SED the same will be reopen and take further action in the matter as per law.

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Insp. CAW Cell/SED
18/04/19

ACP/CAW Cell/SED

Closed as proposed with the report of ASI Chittar Mal. In this complaint complainant residing in Canada and has not come CAW Cell/SED to explain her grievances. Hence complaint is being closed in her absence.

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ACP/CAW Cell/SED
18/04/19”

3. Learned counsel appearing on behalf of the petitioner submits that the necessary medical prescription of the petitioner has been placed on record to demonstrate that she was unable to appear physically before



the Inquiry Officer and therefore, could have appeared before the latter through the video conferencing and such other facility as could have been permitted by the Inquiry Officer.

4. Learned Additional Standing Counsel appearing on behalf of the State draws attention of the Court towards the aforesaid endorsement wherein, it has been recorded that the complaint was closed with an opportunity to the petitioner herein, in case she approaches the CAW Cell in future.
5. Learned counsel appearing on behalf of the petitioner submits that the latter is willing to cooperate with the inquiry in the said complaint by appearing before the Inquiry Officer through video conferencing or any other facility as permissible in law.
6. Learned counsel appearing on behalf of the respondent no. 2 submits that, in case, the petitioner is permitted to appear through video conference at the stage of inquiry any effort for reconciliation will not be possible. He further submitted that no documents have been placed on record to satisfy that the petitioner was unable to appear before the Inquiry Officer on account of her medical condition.
7. Be that as it may, in view of the above, the present petition is disposed of with the direction that the complaint bearing No. 535.C/CAW Cell/South East, dated 07.06.2018, filed on behalf of the petitioner is remanded back for inquiry before the concerned CAW Cell. The concerned Inquiry Officer shall give a notice in writing to the petitioner on the e-mail address/mobile number provided by the learned counsel for the petitioner.
8. Notice be served within a period of two weeks from today and



thereafter, the Inquiry Officer shall proceed in accordance with law in the complaint.

9. In view of the above directions, the petition is partly allowed and disposed of accordingly.

10. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 01, 2024/K