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

+ **W.P.(CRL) 1824/2020 & CRL.M.A. 15211/2020 (Stay)**

KARUNA JAIN & ANR.

..... Petitioners

Through: **Mr. Madhav Khurana, Ms.
Sanjeevani, Advocates.**

versus

**STATE, NCT OF DELHI, THROUGH ITS STANDING COUNSEL
(CRIMINAL) & ORS. Respondents**

Through: **Mr. Rahul Tyagi, ASC (CrI.) for the
State.
Mr. Rajat Aneja, Advocate with Ms.
Pooja Jain, Advocate for R-5.
S.I. Narsi Prasad Meena, P.S. Friends
Colony.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.02.2024

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

“a. Issue a Writ in the nature of Mandamus and/or any other appropriate Writ/Order/Direction of like nature commanding the Respondents to transfer the investigation, qua FIR No. 0294/2020 dated 16.10.2020 registered by P.S. New Friends Colony, New Delhi, to any independent agency under supervision of a senior officer of that agency not below the rank of Deputy Commissioner of Police with the directions to conduct a fair and impartial investigation in a time bound manner;

b. Issue a Writ in the nature of Mandamus and/or any other appropriate Writ/Order/Direction of like nature directing initiation of appropriate disciplinary action in accordance with law against the Respondent Nos. 2, 3 and 4 for the gross inaction, fraud and other illegalities perpetrated by the said Respondents;



- c. Issue a Writ in the nature of Mandamus and/or any other ~ appropriate Writ/Order/Direction of like nature directing Respondents to file an affidavit delineating reasons for filing NCR No. 0038/2020 dated 07.08.2020 under Section 323 IPC on Petitioner NO.1's complaint dated 30.05.2020 when on the same complaint dated 30.05.2020, Respondents have subsequently registered FIR No. 0294/2020 dated 16.10.2020 u/s 325, 341, 506 IPC albeit after delay of 138 days from date of incident;
- d. Issue a Writ in the nature of Mandamus and/or any other appropriate Writ/Order/Direction of like nature commanding the Respondents to fill in name of the Accused Luv Jain at Serial No.7 of the FIR No. 0294/2020 dated 16.10.2020, under the head .. "Details of Known/Suspect/Unknown Accused with full particulars";
- e. Issue a Writ in the nature of Mandamus and/or any other appropriate Writ/Order/Direction of like nature commanding Respondents to add Sections 352, 504 and 509 IPC, in the FIR No. 0294/2020 dated 16.10.2020;
- f. Issue a Writ in the nature of Prohibition and/or any other appropriate Writ/Order/Direction of like nature restraining Respondent Nos. 2, 3 and 4 from causing any further harassment and/or intimidation to the Petitioners and their family members;
- g. Writ in the nature of Mandamus and/or any other appropriate Writ/Order/Direction against the Respondents/wrongdoers directing Petitioners to be awarded monetary compensation/exemplary damages for not only breach of the public law duty by the wrongdoers but also for subjecting Petitioners especially Petitioner No.1, an aged senior citizen lady, to grave harassment, mental and physical trauma, humiliation, fear of safety, fear of police terrorism etc and for depriving Petitioners their constitutional right under Article 21 of the Constitution of India i.e., right to life and liberty which encompasses within its ambit right to live/lead a life with dignity and safety;
- h. Writ in the nature of Certiorari and/or any other appropriate Writ/Order/Direction of like nature quashing the Show Cause notices dated 30.09.2020 issued by the Special Executive Magistrate, South East District, P.S. Amar Colony, New Delhi, to the Petitioners under Section 107/111 Cr.P.C. as well as the 'kalandras' prepared by Respondent Nos. 2, 3 and 4, qua the Petitioners, on the basis whereof the impugned show cause notices have been issued;
- i. Pass such order and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstance of the present case."



2. Learned counsel for the petitioners submits that prayer 'a', 'd' and 'f' have become infructuous as a chargesheet has been filed in case FIR No. 294/2020 under Sections 325/341/506 of the IPC registered at PS New Friends Colony.
3. With respect to prayers 'b', 'c' and 'g', it is submitted that an appropriate representation shall be made before the competent authority.
4. With respect to prayer 'e', it is submitted that the petitioners shall initiate appropriate proceedings, in accordance with law, before court of competent jurisdiction.
5. As far as prayer 'h' is concerned, learned ASC for the State submits that appropriate steps shall be taken within 07 days to withdraw the *kalandara*.
6. In view of the above, learned counsel for the petitioners seeks leave to withdraw the present petition, with liberty to make an appropriate representation before the competent authority with respect to prayers 'b', 'c' and 'g' and to initiate appropriate proceedings, in accordance with law with respect to prayer 'e'.
7. Leave and liberty granted.
8. The present petition is dismissed as withdrawn and disposed of accordingly.
9. Pending applications, if any, also stand disposed of.
10. Needless to state, on a representation being made by the petitioners, the same shall be decided by the competent authority expeditiously, after giving a personal hearing, in accordance with law.

AMIT SHARMA, J

FEBRUARY 22, 2024/K