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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1998/2024**

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.....Petitioner

Through: Mr.Brijender S.Dhull, Advocate

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Ms.Nandita Rao, ASC for the State
with Mr.Amit Peswani, Advocate
alongwith SI Teena Phogat and HC
Renuka, P.S.-Dabri

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

13.11.2024

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The hearing has been conducted through hybrid mode (physical and Virtual hearing).

1. The instant writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking the following reliefs:-

- “i. For issuance of appropriate writ, order or direction in the nature of mandamus or of any other appropriate nature whereby directing the Respondent No. 1 to transfer the investigation of the case FIR no. 247/2024 dated 20.04.2024 under section 323/341/506/509/354/34 IPC registered at P.S. Dabri, Delhi to some other independent agency/ department under the supervision of Deputy Commissioner of Police.*
- ii. For further issuance of appropriate writ, order or direction in the nature of mandamus or of any other appropriate nature whereby directing the respondents to provide safety and security to the life of the petitioner as well as her minor daughter by deputing woman constable / police personal to the petitioner.*
- iii. Pass any other order which this Hon'ble court deems fit and proper may kindly be granted in favour of the petitioner and against the respondents.”*



2. At the outset, it is pertinent to note that the petitioner has an equally efficacious remedy of filing an application before the learned MM for monitoring the investigation. The petitioner is at liberty to move an appropriate application and avail all legal remedies, if he has any grievance regarding the investigation conducted by the Police.

3. It is well established that when an alternative, equally effective remedy is available to a litigant, they should ordinarily be required to pursue that remedy rather than immediately invoking the High Court's special jurisdiction. Constitutional Courts have repeatedly cautioned against exercising this extraordinary jurisdiction lightly, emphasizing that it should only be invoked in cases of genuine need or when the alternative remedy is clearly inadequate. Furthermore, while the High Court has the power to transfer investigations in its jurisdiction, such power should not be exercised indiscriminately at the drop of the hat without substantive justification on record. This caution is necessary to maintain judicial discipline and ensure that the investigative process is not disrupted without compelling reasons.

4. Thus, the petitioner is at liberty to move the appropriate application before the learned MM for monitoring the investigation. However, the concerned SHO shall ensure that if any complaint is made at any point of time, the same shall be addressed expeditiously in accordance with law.

5. With the aforesaid observations, the petition alongwith pending application, if any, stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 13, 2024

Dy/smg..