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

+ **W.P.(CRL) 3025/2022**

SUNIL KUMAR

..... Petitioner

Through: Petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Amol Sinha, ASC along with SI
Abhishek and HC Kapil Kasana (Main IO), PS:
Jyoti Nagar, for State.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

14.05.2024

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1. This is a petition filed on behalf of the Petitioner seeking transfer of investigation in case FIR No. NED-JN-000443, dated 29.06.2022 under Sections 380/454/34 IPC registered at PS: e-Police Station, Jyoti Nagar, North East, to some independent agency such as District Investigation Unit ('DIU') and CBI etc.

2. The grievance of the Petitioner is that two persons purporting to be lock repairers entered his house on 29.06.2022 around 02:00 PM to repair the lock of his office. After a short while, they requested Petitioner's wife to get a similar key so that the lock could be effectively repaired. Oblivious of the motive of the two persons, Petitioner's wife left the room to fetch a similar key. After repairing the office lock, both the persons left and later it was discovered that the almirah was not opening with the key. One of the two persons asked the Petitioner's wife to get mustard oil and some cotton.



They started repairing the almirah during which period Petitioner's wife went outside the room. After both the persons left, she opened the almirah after 30 minutes, as advised and found that her entire jewellery worth around Rs.5 lacs was missing.

3. It is averred in the petition that Petitioner made a telephone call at 112 and narrated the entire incident. 15 minutes later, Police arrived followed by the crime team and the spot was examined. Police prepared the *rukka* on the spot and took the signature of the Petitioner assuring him of quick action. On 03.07.2022, Petitioner was informed that FIR was registered at e-Police Station, Crime Branch and had been forwarded to PS: Jyoti Nagar and that Head Constable Kaushal was investigating the matter. No investigation was initiated and Petitioner filed an application under Section 156(3) Cr.P.C. to obtain a copy of the FIR and find out the current status of the case. Even after the direction of the Court, copy of the FIR was not provided, till the concerned DCP intervened in the matter. As the time passed, according to the Petitioner, neither the jewellery was recovered nor investigation progressed, compelling him to approach this Court.

4. Petitioner who appears in person submits that on the date of incident, the CCTV footage was handed over to the Police and the chance prints were also taken. Statement of the Petitioner was recorded under Section 161 Cr.P.C. but the CCTV footage has gone missing and it is not known as to what action was taken with respect to the chance prints. In a nutshell, the grievance is that despite having all evidence, IO is not investigating the case properly and the investigation be thus transferred.

5. I have heard the Petitioner in person and learned ASC for the State. There is merit in the grievance of the Petitioner that there has been no



progress in the investigation. Strangely, the CCTV footage of the scene of crime taken by the Police team has gone missing. There is no response on the outcome of the investigation pertaining to the chance prints. Learned ASC seeks to justify the missing footage on the ground that Petitioner had carried out some identification exercise on the date of the incident and it was, therefore, not found necessary to preserve the footage, which to my mind is a wholly unacceptable response. In my view, looking at the facts and circumstances, it would be appropriate to transfer the investigation to DIU, to which learned ASC has no objection on instructions.

6. Accordingly, this petition is disposed of transferring the case in FIR No. NED-JN-000443, dated 29.06.2022 under Sections 380/454/34 IPC registered at PS: e-Police Station, Jyoti Nagar, North East to DIU for further investigation. Needless to state it would be open to the Petitioner to share any further input and/or evidence that he may have with respect to the alleged incident. Investigation will be concluded as expeditiously as possible and not later than 4 months from today and the outcome shall be intimated to the Petitioner.

JYOTI SINGH, J

MAY 14, 2024

B.S. Rohella/shivam