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

+ **W.P.(CRL) 2418/2024**

V

.....Petitioner

Through: Ms.Divya Rana and Mr.Amit Kumar
Jha, Advocates

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr.Anand V. Khatri, ASC (Crl.) for
State with Insp. Dharmender and SI
Priyanta, P.S. Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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09.08.2024

CRL.M.A. 23629/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2418/2024

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner with the following prayers:

"I. Direct an impartial investigation by a higher-level agency, such as the Central Bureau of Investigation (CBI), into the circumstances of the Petitioner's daughter's kidnapping, the actions of the police officers, and the allegations of unlawful detention, abuse, and threat.

II. Direct handover of the custody of the victim to the petitioner.

III. Direct for preservation and production of the CCTV Footage of camera covering the room in front of P.S Jahangir



Puri, where the Petitioner was illegally detained on 31/07/2024 at night.

IV. Direct the Vigilance enquiry against Investigating Officer Rishi Pal, Assistant Sub-Inspector Mr. Satish No.143/NW, and any other police officers for illegally detaining the petitioner and abusing the wife of petitioner and threatening petitioner by showing obscene video of the victim.”

2. Learned counsel for the petitioner submits that petitioner who is the father of the victim initially lodged DD with PCR regarding kidnapping of his daughter but no action/investigation was initiated. He further submits that thereafter a written complaint was filed at P.S. Jahangir Puri on which FIR No.0434/2024 under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) was registered on 28.07.2024. Learned counsel prays for transfer of investigation to CBI and submits that CCTV footage of 31.07.2024 covering the room in front of P.S. Jahangir Puri be preserved.
3. Issue notice. Learned ASC for the State/respondent No.1 to 4 appears on advance notice and accepts notice.
4. Learned ASC for the State informs that FIR No.0434/2024 under Section 137(2) of BNS was registered on 28.07.2024 and statement of victim was got recorded under Section 180 BNSS (Section 164 Cr.P.C.) on recovery on 31.07.2024. He denies any lapse on the part of the investigating agency and points out that further steps can be taken by the investigating agency, only in case the prosecutrix is willing to cooperate with the investigating agency for identification of the places wherein, she had been allegedly taken. The custody of the victim is already stated to be with the parents.



5. Since necessary steps for initiating investigation have already been taken by the Investigating Agency including recording the statement of victim, no further directions are called for at this stage for transferring the investigation. Petitioner is expected to cooperate with the Investigating Agency for purpose of taking further necessary steps for identification of places, wherein the victim is alleged to have been taken.

To allay apprehensions of the petitioner, SHO/Investigating Officer shall ensure that victim is joined in investigation only in the presence of a lady officer, as well as the timings convenient to the petitioner be also kept in consideration. Further, CCTV footage for 31.07.2024 covering room in front of P.S. Jahangir Puri be preserved as prayed on behalf of petitioner, though any lapse has been denied by Investigating Officer. With the aforesaid observations, petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

AUGUST 9, 2024/v