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

+ **W.P.(CRL) 3597/2024**

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.....Petitioner

Through: Mr. Sushil Jain, Advocate *via* video-conferencing.

versus

THE STATE (NCT OF DELHI) AND ORS.Respondents

Through: Mr. Kshitiz Garg for Mr. Amol Sinha, ASC for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

19.11.2024

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By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks a direction to the concerned police officials to provide protection to her against unlawful threats stated to be extended by respondent No.4, who is one of the accused in case FIR No. 0461/2024 registered at the petitioner's instance under section 64(1) of the Bharatiya Nyaya Sanhita 2023 ('BNS') at P.S.: New Usmanpur, Delhi ('subject FIR'). The petitioner also seeks a direction for changing the Investigating Officer entrusted with investigation in the subject FIR.

2. Mr. Sushil Jain, learned counsel appearing for the petitioner submits that respondent No.4 and other persons associated with him are extending threats to pressurise the petitioner into withdrawing the



subject FIR and that the I.O. has taken no steps to address such threats.

3. Issue notice.
4. Mr. Kshitiz Garg appears for Mr. Amol Sinha, learned ASC; accepts notice on behalf of respondents Nos. 1 to 3; and submits on instruction of the I.O., that investigation in the matter is complete and chargesheet dated 25.10.2024 has been filed, in which respondent No.4 has been sent-up for trial, placing him in column No.11 of the chargesheet.
5. Mr. Garg submits, that in fact the petitioner has not co-operated with the I.O. throughout the course of investigation; but despite that chargesheet has been filed and the matter is being prosecuted in right earnest.
6. Upon being queried, Mr. Garg submits, that since the petitioner did not co-operate in the investigation, respondent No.4 was not arrested during the course of investigation. It is further submitted, that even at this late stage, if the petitioner wishes to bring to the notice of the I.O. any additional evidence, the I.O. would be willing to make further investigation based on such material and file a supplementary chargesheet, if so warranted.
7. In the circumstances, this court sees no ground for allowing the prayer for change of the Investigating Officer in the subject FIR.
8. However, to address the other apprehension expressed by the petitioner, the S.H.O., P.S.: New Usmanpur, Delhi is directed to provide to the petitioner his cell-phone number as well as the cell-



phone number of the concerned lady Beat Constable, who the petitioner may call in any eventuality.

9. The petition stands disposed-of, in the above terms.
10. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 19, 2024

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