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

+ **W.P.(CRL) 269/2025**

B. CHANDRAKALA

.....Petitioner

Through: Mr. Raushan Kumar, Mr. Sunny Kumar and Mr. Prateek Raushan, Advocates.

versus

STATE OF N.C.T OF DELHI & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar, Advocates for the State.
SI Desh Raj, PS: SHD Nagar.
Ms. Anubha Bhardwaj, SPP with Mr. Vishal Sharma, Advocate for CBI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.01.2025

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1. The Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, 1950 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking directions for transfer of investigation in proceedings arising from FIR No. 0217/2019 under Section 363 of the Indian Penal Code, 1860¹ registered at P.S. Baba Haridas Nagar, to the Central Bureau of Investigation or any other independent agency. In the instant proceedings, a final report, with the offences under Sections

¹ "IPC"



363/304A of IPC, has been filed as untraced.

2. The Petitioner, mother of the deceased, contends that the investigation is not being carried out in proper and fair manner. On consideration, the Judicial Magistrate First Class, Dwarka Courts directed for further investigation to be conducted. In compliance thereof, the Investigating Officer submitted Continuing Investigation Reports dated 27th July, 2024 and 22nd November 2024, which read as follows:

“Subject:- Investigation Report.

Hon’ble Sir,

Most respectfully, it is submitted that the above noted case regarding missing boy namely Vijay Shaurya @ Bittu S/o- B. Madhusudan R/o- QTR No. 22, CRPF Camp, Jharoda Kalan, N.Delhi Age-4 Yrs was registered at PS BHD Nagar on the statement of B- Madhusudan (Father of missing boy). He stated in his statement that his wife Chandrakala came inside the camp at around 7 p.m on 17.5.19 along with his two sons (elder Laxmikant age-7 Yrs and younger Vijay Shaurya Age-4 Yrs) after their Tuition classes. Upon reaching her building, she went upstairs on the IInd Floor and his son Vijay Shaurya remained playing down stairs near her building. After keeping their bags, Chandrakala looked for her son Vijay Shaurya who was not found there. They kept on searching Vijay Shaurya but he was not found.

During investigation, in the morning of 18.5.19, the dead body of Vijay Shaurya was found in the MT Park under a tree. One of the leg of dead body was found missing and it seems as if it has been eaten by animals/dogs. Post-mortem revealed 14 external injuries. The cause of death was opined as “cerebral damage consequent upon blunt force injury to head”. Final Report as Untrace was filed by IO/SI Rohit on 24.02.24 and further investigation was ordered by the Hon’ble Court in the present matter.

During further investigation, the SOC was again visited, inspected and analysed on the instance of complainant. The complainant B.Madhusudan and his wife Smt. B.Chandrakala were examined wherein they raised suspicion over 05 persons namely- (1) Saji P.S S/o- Sh. P.N.Sasi R/o- Plot No.16, H.No. 52, Vinoba Enclave, Near CRPF Camp, Jharoda Kalan, New Delhi(Age-44 Yrs) (2)Sh. Jagdeesh T.N S/o Sh. T.S. Narayan R/o-Door No. 24-96B, Tyagraj Nagar, Madikeri, Police Station-Madikeri, District- Kodagu, Karnataka (Age- 55 Yrs) (3) T.Raghupati Reddy S/o Sh. T. Damodar Reddy.R/o- - Village- Iruvaram Check Post, Post- Iruvaram, PS- II Town, Distt.- Chittoor, Andhra Pradesh (Age-37 Yrs) (4) Sanjay Kumar Malakar S/o Sh. Chandrika Prasad R/O- VPO-



Chausa Bazar, PS- Mufassil Chausa, District- Buxar, Bihar (Age- 36 Yrs) and (5) Gurjant Singh S/o Sh. Sardar Pala Singh . R/o- Quarter No.35, F-Block, Type-H, GC/CRPF Camp, Jharoda Kalan, New Delhi-43, (Age- 36 Yrs) that they must have some connection in the death of their son Vijay Shaurya. The Report of internal enquiry conducted by CRPF has also been obtained as all the alleged mentioned above are employees of CRPF. All the alleged persons mentioned above have been interrogated in the case.

The alleged persons mentioned above have vehemently denied the allegations of the complainant in their respective interrogations. Since, all the alleged mentioned above have consented for Polygraph Test, so an application in this respect was moved before the Hon'ble Court on 18.07.2024 and the same was allowed. The Polygraph Examination and Layered Voice Stress Analysis Examination of all the abovementioned alleged persons has been fixed from 27.08.2024 to 06.09.2024 by the authority of FSL, Rohini, Delhi. The investigation of the case is in progress.

However, undersigned is ready to meticulously abide by any order/direction passed by this Hon'ble Court in the interest of justice.

Submitted Please."

"Subject:- Investigation Report.

Hon'ble Sir,

In continuation to the previous investigation report filed, it is further submitted that during the course of investigation, the Polygraph Examination and Layered Voice Stress Analysis Examination of all the 05 suspected persons namely 05 persons namely- (1) Saji P.S S/o- Sh. P.N.Sasi R/o- Plot No.16, H.No. 52, Vinoba Enclave, Near CRPF Camp, Jharoda Kalan, New Delhi(Age-44 Yrs) (2)Sh. Jagdeesh T.N S/o Sh. T.S. Narayan R/o-Door No. 24-96B, Tyagraj Nagar, Madikeri, Police Station-Madikeri, District- Kodagu, Karnataka (Age- 55 Yrs) (3) T.Raghupati Reddy S/o Sh. T. Damodar Reddy.R/o- - Village- Iruvaram Check Post, Post- Iruvaram, PS- II Town, Distt.- Chittoor, Andhra Pradesh (Age-37 Yrs) (4) Sanjay Kumar Malakar S/o Sh. Chandrika Prasad R/O- VPO- Chausa Bazar, PS- Mufassil Chausa, District- Buxar, Bihar (Age- 36 Yrs) and (5) Gurjant Singh S/o Sh. Sardar Pala Singh . R/o- Quarter No.35, F-Block, Type-II, GC/CRPF Camp, Jharoda Kalan, New Delhi-43, (Age- 36 Yrs) was got conducted at FSL Rohini, Delhi with the consent of the suspected persons and obtaining prior permission of the Hon'ble Court. The Report of the examination is still awaited from FSL Delhi. The investigation of the case in progress.

However, undersigned is ready to meticulously abide by any order/direction passed by the Hon'ble Court in the interest of justice.



Submitted Please.”

3. Mr. Amol Sinha, ASC for the State, apprises the Court that the suspects have since participated in the scheduled Polygraph Examination and Layered Voice Stress Examination. The test results were sent to FSL for further analysis and the report has been received, which shall now be presented before the concerned Magistrate.
4. Considering the foregoing, the Court, at this juncture, is not inclined to entertain the present petition.
5. Petitioner is permitted to raise the grounds urged in the present petition before the concerned Magistrate at the time of consideration of the final report. Needless to say, if Petitioner's grievances are not redressed, she shall be free to take recourse to appropriate proceedings, in accordance with law.
6. Disposed of.

SANJEEV NARULA, J

JANUARY 27, 2025
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