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

+ **W.P.(CRL) 815/2025**

KAMAL JAIN

.....Petitioner

Through:

versus

**STATE OF NCT GOVT. OF NCT OF DELHI
AND ORS.**

.....Respondents

Through: **Mr. Rahul Tyagi, ASC for the State
along with Inspector Sunil Kumar.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

11.03.2025

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CRL.M.A. 7613/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present writ petition, the petitioner seeks following relief:-

“i. Issue a Writ of Mandamus or any other Writ of the like nature directing the Respondents to take appropriate action in accordance With Law.

ii. Direct the respondent No-5 investigation Officer inspector Sunil Kumar of DIU Delhi police to file the diary of the case to produce the Case Diary pertaining to FIR No. 0538/2021, dated 11.11.2021 registered at PS Ashok Vihar before this Hon'ble Court on the NDOH to ascertain the Nature and Extent of Investigation conducted in the aforementioned particularly the steps taken by the Respondents so far.

iii. Directing the Respondent No-2, to initiate departmental enquiry against erring Investigation Officers of the case and ACP DIU (North West)

iv. To pass an order Directing the Respondent No.3, 4 and 5 to immediately add the additional relevant sections of IPC in the existing



FIR as per the 18 application moved by the Complainant on 05.02.2024 with documentary evidences and if necessary after taking Statement of the Petitioner U/s 161 Cr.P.C.

v. To pass an order Directing the investigation Officer of the case to arrest the accused after addition of cognizable charges as necessary as per application of the Complainant dated 05.02.2024 in case of Non-Co-Operation by the accused in the investigation and on not producing the documents asked by the I.O necessary to complete investigation.

vi. To pass an order Directing the Respondent No-2 to conduct a fair, ethical and time bound investigation in FIR No. 0538/2021, dated 11.01.2021 U/s 420/467/468/120-B IPC registered at PS Ashok Vihar and appoint Respondent No-3 DCP PS Ashok Vihar to personally monitor the investigation and submit the report to the CMM (North-West)”

4. The learned counsel appearing for the petitioner seeks a time-bound and fair investigation in the present case. It is stated that the FIR in this case came to be registered on the basis of an order passed by the learned Metropolitan Magistrate, while dealing with an application under Section 156 (3) of the Code of Criminal Procedure, 1973 (hereafter ‘Cr.PC’).

5. This Court notes that prayers (ii) to (vi) are not maintainable before this Court. The petitioner will be at liberty to move an appropriate application before the learned Magistrate, since the prayers made before this Court are maintainable before the learned Magistrate and the FIR in this case was registered on the basis of an order passed while dealing with an application under Section 156 (3) of the Cr.PC.

6. Accordingly, the present petition stands disposed of.

7. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 11, 2025/A

Click here to check corrigendum, if any