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

+ **W.P.(CRL) 1128/2025**

ZARNIGAR FATIMA

.....Petitioner

Through: Mr. Sufian Siddiqui and Mr. Rakesh
Bhugra, Advocates

versus

THE COMMISSIONER OF POLICE,
DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Hemant, PS Jafrabad
Mr. Ramnik Mishra and Mr. Vinod
Pal, Advocates for R-3 & R-4 along
with R-3 in person.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

08.04.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 10752/2025 (exemption)

1. Allowed, subject to all just exceptions.

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2. The petitioner seeks issuance of *mandamus* to the Commissioner of Police to ensure a fair and impartial inquiry into her complaint dated 29.03.2025, whereby she alleged illegal detention entire night without any formal warrant or notice etc. The petitioner has also sought directions to secure the CCTV footage from all the cameras installed inside and around PS Jafrabad for the period from 8.00 p.m. on 24.03.2025 to 12 noon on 25.03.2025.



3. It is made clear that the petitioner has not sought a *mandamus* for registration of FIR. What petitioner seeks is an inquiry into alleged violation of her fundamental rights.

4. Learned ASC appearing on advance intimation submits that the petition has been filed with oblique purposes because FIR No. 0156/2025 has been registered by PS Jafrabad on 07.04.2025 for offence under Sections 115(2)/126(2)/351(2)/3(5) of BNS on the allegation that she and other accused persons assaulted her daughter-in-law, who is pregnant. Learned ASC contends that the petitioner has concealed the registration of the said FIR. However, it appears that the present petition was filed prior to the date of registration of the FIR.

5. Be that as it may, it further appears that the complaint with the Commissioner of Police was apparently lodged on 29.03.2025 and according to the learned ASC, the present petition is pre-mature insofar as the requisite period of 15 days to carry out a pre-FIR inquiry is yet to expire. Learned ASC also submits that the appropriate orders after the requisite inquiry shall be passed by the competent authority under supervision of some senior police officer and thereafter, the petitioner shall always be at liberty to initiate appropriate proceedings in accordance with law.

6. Considering the above circumstances, it is directed that the respondent no. 1/Commissioner of Police shall direct to carry out necessary inquiry and dispose of the complaint dated 29.03.2025 of the petitioner within the period prescribed under Section 173 BNSS, 2023 and thereafter, depending upon the outcome of the said decision, the petitioner shall be at liberty to institute appropriate proceedings in accordance with law. The order passed after inquiry shall be communicated to the petitioner within 10 days.



7. It is also made clear that the present order shall in no way be interpreted as a reason for the petitioner not to join investigation in the case FIR No. 0156/2025 of PS Jafrabad as and when she is directed by the Investigating Officer in writing to join investigation.
8. It is specifically directed that CCTV footage described in prayer clause (b) of the petition shall be preserved by the police authorities.
9. As regards prayer clause (c), learned ASC on instructions from SI Hemant Kumar assures that as and when some call is received from petitioner, alleging any violence or apprehended violence, immediate appropriate action shall be taken. For convenience, telephone number of SHO Jafrabad has been placed on record by learned ASC and that mobile number is 8750870732.
10. Accordingly, the petition stands disposed of.

GIRISH KATHPALIA, J

APRIL 8, 2025

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Click here to check corrigendum, if any