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

+ **W.P.(CRL) 1497/2025 & CRL.M.A. 13854/2025**

MS. X

.....Petitioner

Through: **Mr. Santosh Narayan Singh,**
Advocate.

versus

THE STATE OF NCT. OF DELHI AND ORSRespondents

Through: **Mr. Amol Sinha, ASC for the State**
along with SI Jitender Kumar, PS
Nangloi.

Mr. Amit Tiwari, SGSC along with
Ms. Ayushi Srivastava, Mr. Ayush
Tanwar, Mr. Arpan Narwal and Mr.
Kushagara Malik, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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10.12.2025

1. This petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks (i) a direction for registration of an FIR, (ii) transfer of investigation to the CBI, and (iii) protection to the Petitioner and her family.

2. The Petitioner, Ms. "X", alleges that on 24th May, 2023, personnel of the Delhi Police, accompanied by officials of the Punjab Police, conducted a raid at her residence in Punjab in connection with FIR No. 302/2002

¹ "BNSS"



registered at P.S. Rajinder Nagar for an offence under Section 420 of the Indian Penal Code, 1860 (corresponding to Section 318 of the Bharatiya Nyaya Sanhita, 2023). She alleges that, during the raid, the police officials demanded illegal gratification of INR 2,00,000/- from her husband, coupled with threats of false implication, and that her husband was thereafter forcibly taken to Delhi. The Petitioner states that, later that afternoon at around 1:00 PM, Head Constable Rohitash Chaudhary contacted her and allegedly misled her into believing that her husband was unwell and would be granted bail the following day. She further alleges that he asked her to travel to Delhi, assuring her that the location and address would be shared on WhatsApp once she arrived. According to the Petitioner, upon reaching Delhi, she received the address of a flat from H.C. Rohitash Chaudhary. On reaching the premises, she found her husband seated in the front room, appearing frightened and helpless. The Petitioner alleges that, shortly thereafter, H.C. Rohitash Chaudhary called her into another room on the pretext of discussing her husband's case, locked the door, made lewd advances, and attempted to coerce her into sexual submission. She alleges that when she resisted, he overpowered her, forcibly disrobed her, and raped her. She further alleges that seven other police officials, whose names have been disclosed in the petition, entered the room thereafter and, in succession, sexually assaulted and raped her.

3. On the strength of these allegations, the Petitioner seeks directions for registration of an FIR against Respondents No. 3 to 8, a CBI inquiry, and protective measures.

4. The allegations are grave. At the same time, the reliefs sought require the Court to bear in mind the settled discipline governing (i) a writ of



mandamus for registration of an FIR, and (ii) a direction for investigation by the CBI. The statutory scheme provides a structured set of remedies for a citizen complaining of non-registration of a cognizable offence, including approaching superior police authorities and, thereafter, seeking appropriate directions from the jurisdictional Magistrate. The writ jurisdiction is not meant to short-circuit this mechanism or to convert a writ court into the first forum for testing disputed facts, particularly where the narrative raises issues that would ordinarily require evidentiary scrutiny.²

5. When queried on the most elementary contemporaneous steps, counsel for the Petitioner fairly states that no complaint was lodged with the nearest police station at any point of time. It is however urged that a complaint was sent to the President of India, the Supreme Court of India, and the Commissioner of Police, Delhi on 20th November, 2024, which is more than one year after the alleged incident. The Petitioner also does not place any medical record, medico-legal examination, or treatment document said to have followed the alleged assault. The Petitioner has also not approached the jurisdictional Magistrate seeking directions for registration of an FIR or investigation.

6. Equally material is the absence of reliable proof that the complaint dated 20th November, 2024 was, in fact, delivered to the office of the Commissioner of Police, Delhi. The counsel relies on tracking reports, not filed on record, which also do not enable a clear correlation between the tracking details and the specific contents asserted to have been dispatched. Mr. Amol Sinha states on instructions that no such complaint is traceable as

² *Sakiri Vasu v. State of U.P.*, (2008) 2 SCC 409; *Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage*, (2016) 6 SCC 277; also see *Radha Krishan Industries v. State of Himachal Pradesh* 2021 SCC



having been received.

7. These features; the delay, the absence of contemporaneous medical material, the non-invocation of the statutory remedies before the Magistrate, and the disputed question of receipt of the complaint together make it inappropriate to short-circuit the statutory framework by issuing a writ for registration of an FIR at this stage.

8. The prayer for direction to the CBI is not to be issued as a matter of course and is reserved for exceptional situations where such a course is necessary to instil confidence or where the circumstances demonstrably warrant involvement of an independent agency. At this stage, when even the foundational step of placing a verifiable complaint before the competent police authority is in contest, the extraordinary direction sought cannot be granted.

9. Nevertheless, the allegations levelled are of a grave nature and are directed against police personnel. Even where the Court harbours legitimate concerns about delay and surrounding circumstances, the matter cannot be permitted to drift into a procedural dead end merely because the Petitioner has not pursued the ordinary remedies thus far. At the same time, any direction from this Court must remain carefully calibrated, so that it neither lends premature imprimatur to the accusations nor forecloses the statutory route provided to test such claims on evidence. In that view, the following directions are issued:

(i) The State shall treat the complaint enclosed with the present petition as a representation for redressal and shall have it examined at the appropriate level in accordance with law, including by calling for the relevant records

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and ascertaining whether any complaint on the same allegations is traceable in the office of the Commissioner of Police or otherwise.

(ii) Such examination shall culminate in a reasoned decision, in writing, within four weeks from today.

(iii) The outcome shall be communicated to the Petitioner, in writing, at the address/email indicated in the petition, within one week thereafter.

(iv) It is clarified that the above directions are issued only to ensure that the Petitioner's representation is not left unattended on the sole ground of the route adopted. These directions do not amount to, and shall not be construed as, any expression on the truthfulness of the allegations or the liability of any individual named in the complaint.

(v) It is further clarified that nothing stated herein shall inhibit the Petitioner from availing remedies in accordance with law, including approaching the jurisdictional Magistrate, as and when so advised.

10. With the above directions, the petition is disposed of.

SANJEEV NARULA, J

DECEMBER 10, 2025/MK