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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1838/2022 & CRL.M.A. 15845/2022,
CRL.M.A. 19452/2023

XYZ AND ANR

.....Petitioners

Through: Mr. Wills Mathews and
Mr. Dhanesh M. Nair,
Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Tarveen Singh Nanda,
Govt. Pleader for R-1 /
UOI.
Mr. Ripudaman Bhardwaj,
CGSC with Mr. Kushagra
Kumar and Mr. Amit
Kumar Rana, Adv.
Mr. Yasir Rauf Ansari,
ASC for the State with Mr.
Alok Sharma, Adv. with
SI Shah Faisal, PS N.A.
Nagar.
Mr. Sanyam Khetarpal and
Ms. Lisa Sankrit, Adv.
for R-8 to R-12.
IO SI Pardeep Kumar, PS
Gazipur.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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21.07.2025

1. The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking the following prayers:

“A. Issue a writ in the nature of mandamus or any other appropriate writ I orders directing the respondent no. 2,3, 5, 6 and 7 to pay to the petitioner no. 1 ,damages/

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compensation of a sum of Rs. 11,00,000.00 (Rupees Eleven Lakhs) ,and the respondent no. 1 to 12 jointly and severally pay the petitioner No. 2 a sum of Rs. 1,00,000,00.00 (One Crore) , reserving the right to the petitioner No. 1 to proceed against the respondent No. 1 to 12 for further reliefs ,damages and compensation.

B. Issue a writ in the nature of mandamus or any other appropriate writ directing the respondent no 1 to 2 to grant sanction for prosecution of respondent no 3, 5, 6, and 7 under The Criminal procedure Code/ Delhi Police Act, and under all relevant laws and Rules.

C. Issue a writ in the nature of mandamus or any other appropriate writ directing respondent no. 1 and 2 to initiate legal action against the erring police officials who implicated the Petitioner no. 1 falsely and for not carrying out their duties responsibilities fairly and firmly.

D. Issue necessary writs/ orders/ directions to remove the name of the petitioner no. 1 Mrs. Tisiya Shibu from the order dated 04.06.2020 passed by this Hon'ble court, in the petition filed by Mr. Tippinees M Joseph (Bail Application No. 2814/2019) published in the website of this Hon'ble Court.

E. Issue a writ in the nature of mandamus or any other appropriate writ directing respondent no. 1 and 2 to pass an order ensuring the safety and protection of the Petitioners and their immediate family members as their life is in danger from the respondent school management.

F. Issue a writ in the nature of mandamus or any other appropriate writ directing proper investigation by any independent investigation agency in the events leading to framing the petitioner no. 1 by making false allegation and a fake video, at a time when she was not even present in India and to prosecute the respondents 8, 9, 10, 11 and 12 for doing the aggravated perjury and/ or for all other crimes done to cheat, trick, mislead the proceedings of the Honorable courts.

G. Pass an order directing the respondent no.1 to ensure that, the petitioner no. 1 and her immediate family members will not be implicated in any further cases without preliminary investigation after serving notice to the petitioners under Section 41 A, Cr.PC.

H. Pass an order to bring on record the person acted in the fabricated video created by the school Management faking the petitioner No. 1 with a direction to initiate criminal proceedings against the persons involved.”



2. It is essentially the case of the petitioners that pursuant to the arrest of the brother of Petitioner No.1 on allegations of raping his daughter, a complaint was filed on behalf of school management alleging that on 11.09.2019, Petitioner No.1 had attempted to threaten and influence one of the witnesses in the FIR against her brother. It was further alleged that Petitioner No.1 had also forcefully barged into Respondent No. 8 school and threatened the school management to reveal the whereabouts of the said witness as well. The complaint led to registration of FIR No. 69/2020 dated 04.03.2020, registered at Police Station Ghazipur, for offences under Sections 451/506 of the Indian Penal Code, 1860. During investigation, the complainant/ Respondent No.10 provided a CD containing the CCTV footage, in which a lady is seen, who was identified as Petitioner No.1 by the complainant.

3. The petitioners are seeking a myriad of reliefs in the present petition.

4. By way of prayer A, the petitioners have sought damages from the school management as well as the police officials involved in the registration of the FIR against Petitioner No.1. Furthermore, by way of prayers B and C, the petitioners have also sought action against the said police officials. By way of prayer F, the petitioners are seeking investigation into the purported false allegations and initiation of perjury proceedings against the school management. In prayer H, action is sought against the lady who “acted” in the video.

5. Undisputably, after investigating into the allegations and ascertaining that Petitioner No.1 was not in India at the relevant time, a closure report was filed in FIR No. 69/2020. The closure report mentions that the complainant/ Respondent No.10 had



stated that Petitioner No.1 was identified from CCTV footage of the incident.

6. It is argued that Petitioner No.1 was not present in India at the relevant point of time, and the school management had deliberately made false allegations against Petitioner No.1 and created a fake video to support the allegations. It is contended that Petitioner No.1 was falsely implicated to derail the bail of the brother of Petitioner No.1.

7. It is further argued that the petitioners apprehend that the daughter of Petitioner No.1's brother was raped by a member of the school management, and Petitioner No.1's brother was falsely implicated.

8. While it is alleged that the video was faked with the deliberate intent of implicating Petitioner No.1 and the FIR was false, the possibility of the present case being one of *bona fide* misidentification cannot be ruled out at this stage. It is pertinent to note that a video footage was also handed over by the complainant and no clue was found about the lady in the video. Merely because a closure report was filed in the FIR, in the present circumstances, it cannot be presumed that the FIR was false. In case the petitioners apprehend that false information was deliberately given to injure the petitioners or cause annoyance and the video was fabricated, it is open to them to seek appropriate recourse in law for criminal action as well as damages. This Court does not consider it apposite to surpass the due process of law and misconstrue writ jurisdiction to substitute the efficacious legal remedies available to the petitioners.

9. Insofar as the prayer for action against the police officials for registering the FIR and not carrying their responsibilities fairly is concerned, this Court has perused the complaint tendered



by Respondent No.10 and it is seen that the same clearly discloses commission of cognizable offences. The concerned police officials cannot be faulted for registering the FIR merely because they did not conduct any preliminary inquiry. No action can be initiated against the said officers on bald allegations and apprehensions of the petitioners.

10. By way of Prayer D, the petitioners have sought removal of Petitioner No.1's name from the order dated 04.06.2020, passed by the Coordinate Bench of this Court, in the Bail application no. 2814/2019 filed by the brother of Petitioner No.1. It is argued that name of Petitioner No.1 in the said order has impacted her reputation by virtue of it being accessible on multiple portals. Considering that a closure report has been filed in the FIR registered against Petitioner No.1, there is no reason to allow her to be haunted by the same being easily accessible to the public. Accordingly, the registry of this Court is directed to redact the name of Petitioner No.1 from the order dated 04.06.2020, in Bail application no. 2814/2019. The petitioners are also permitted to approach all concerned portals and public search engines to mask the said order insofar as the name of Petitioner No.1 is concerned. Whenever any social media or search engine is approached for the same, they are directed to redact her name from the reporting of the concerned order.

11. In Prayer E, the petitioners have sought protection from the school management. No orders are required to be passed in this respect. As and when any complaint is made in relation to any threat to life or liberty, the police is bound to take appropriate action in relation to the same. At this stage, there is no reason to pass any pre-emptive order in this respect.

12. As far as prayer G is concerned, the petitioners are seeking



directions that them and their family members will not be implicated in further cases without preliminary investigation. In the opinion of this Court, no such blanket order in the nature of immunity is warranted or can be passed by this Court.

13. In view of the above, the present petition is disposed of with the aforesaid observations.

14. Pending applications also stand disposed of.

15. Needless to say, the petitioners are at liberty to approach this Court in the future in case any grievance remains.

AMIT MAHAJAN, J

JULY 21, 2025