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

+ **W.P.(CRL) 1687/2025**

SHRI SHAMIM

.....Petitioner

Through: Mr. Ravindra Narayan and Ms. Zeba,
Adv. Alongwith petitioner in person.

versus

STATE AND ANR

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for the
State along with Mr. Atul Rastogi,
Mr. Kshitiz Garg, Mr. Ashvini Kumar,
Mr. Nitish Dhawan, Ms. Chavi
Lazarus, Adv.
SI Lokendra A Singh, HC Mahipal,
PS Malviya Nagar.
Ms. Richa Dhawan, SPC for UOI.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

21.05.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 15779/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

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3. The present petition under Article 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks the following prayers:

“a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to complete the investigation in FIR No. 1 786/2015 registered under section 379 IPC at P.S Malviya Nagar within a stipulated time as fixed by this Hon'ble Court;



- b) Direct the Respondents to take appropriate steps for recovery of stolen property, and to file an additional list of witness and record and produce statement of all relevant witnesses on the record and file supplementary chargesheet to that effect;
- c) Direct the Ld. MM, Saket Court to hear and proceed with the matter on regular and expeditious basis in accordance with law.
- d) Pass such other and further order(s) as may be deemed fit in the interest of justice.”

4. Learned counsel appearing on behalf of the petitioner draws attention of this Court *to the* order dated 20.08.2024 passed by learned Metropolitan Magistrate, wherein, it has been recorded as under: -

“An application is moved on behalf of the applicant for action against the IO for persistent non-compliance of orders by this Court.

As per the Ld. counsel for the applicant, initially an untrace report was filed in this case and thereafter, a protest petition was filed which was allowed on 28.02.2018 and directions were given to the police to file the supplementary report. The Ld. counsel submits that on 21.12.2018, it was directed by this Court to record the statement of the complainant and to ensure that he is joined in the further investigation and in pursuance of the same, the statement of the complainant was recorded on 14.01.2019 but the same has not been made part of the record. Further, the Ld. counsel submits that on 02.06.2023, the IO reported that the role of the accused could not be ascertained and till date despite multiple directions, conclusive report is not filed. The Ld. Counsel prays that the conclusive report along with statement u/s 161 CrPC of all the witnesses are filed and appropriate steps are taken to recover the case property.

Submissions of the counsel have been considered.

Perusal of the record shows that on 22.11.2022, a detailed order was passed by this Court and thereafter, a supplementary report was filed wherein an objection was raised that the statement of complainant was not placed on record and he was not made a witness, even though the CCTV footage was provided by him. The IO was directed to file conclusive report within 7 days but no report is filed till date. Considering the submission of the counsel, it is imperative to examine the case diary prepared by the IO. **Issue**



notice to the IO today itself, with direction to appear in person along with his case diary.

List the matter on 04.09.2024.”

5. It is pointed out that despite the aforesaid directions till date no conclusive report has been filed by the Investigating Officer. It is further submitted that on 29.04.2025, the learned Metropolitan Magistrate had given further time to the Investigating Officer to file a further report of investigation and the matter is now fixed for 31.07.2025.

6. Learned ASC (Crl.) appearing on behalf of the State on advance notice on instructions submits that on the aforesaid date, the order of the learned Metropolitan Magistrate dated 20.08.2024 shall be complied with.

7. In view of the above, the present petition is disposed of with the directions that the aforesaid directions of the learned Metropolitan Magistrate given *vide* order dated 20.08.2024 shall be complied with definitely by 31.07.2025. The concerned DCP is requested to ensure the compliance with the aforesaid order.

8. Let the order be placed before the concerned DCP.

9. With the aforesaid directions the present petition stands disposed of.

10. Pending applications, if any, are also disposed of.

11. Order be sent to the concerned learned Trial Court for necessary information and compliance.

12. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 21, 2025/kr/sc

Click here to check corrigendum, if any