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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1721/2025 & CRL.M.A. 16040/2025,**
CRL.M.A. 16041/2025

XYZ

.....Petitioner

Through: Mr. Juggal Bagga and Mr.
Ajay Sharma, Advs.

versus

STATE AND ORS

.....Respondents

Through: Mr. Sanjeev Bhandari,
ASC for the State with Mr.
Arjit Sharma and Mr.
Nikunj Bindal, Advs. with
SI Reena, PS Prashant
Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **22.05.2025**

1. By the present petition, the petitioner prays for the following reliefs:

a) Direct the Respondent No. 2 & 3 to Re-Investigate FIR No. 0210/2023, dated 15.05.2023, registered at PS Prashant Vihar, Distt. Rohini, New Delhi initially registered for the offence U/s 498A/406/34 Indian Penal Code in a time bound and fair manner;

And/ Or

b) Direct the Respondents No.2 & 3 to immediately add additional penal sections including Sections 323/341/354/354A/380/506/509 IPC inter alia other relevant provisions based on the Petitioner's original complaint dated 25.02.2023/FIR and statement U/s164 Cr.P.C which has by far been grossly ignored by the IO W/SI Reena Beniwal despite Judicially Recorded Statements and supporting evidence;

And/ Or

c) Direct production of the Police File/ Case



Diary to assess the extent of negligence and omissions in the investigation deliberately committed on part of the Investigating Officer(s);

And/ Or

d) Direct the Respondents No.2 & 3 to transfer the present case to Crime Branch or any other department of Delhi Police other than PS Prashant Vihar and appoint a senior officer of the rank of ACP to monitor the Re-investigation and ensure fair and unbiased investigation against the accused persons in a time bound manner;

And/ Or

e) Direct the Respondent No.2 & 3 to initiate strict Departmental Action against Insp. Satendra Singh Khari, SHO PS Prashant Vihar & W/SI Reena Beniwal for openly defying and violating the Judgment of the Hon'ble Supreme Court of India in Lalita Kumari Vs State of U.P. besides several Standing Orders including Standing Order 444/2016 & 16/2022 issued by the office of Respondent No.3.

And/ Or

Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

2. The petitioner alleges that FIR No. 0210/2023 has not been investigated fairly. The petitioner also seeks departmental action against certain Police Officials.

3. The learned counsel for the petitioner submits that the complaint was filed with the Crime Against Women Cell, Rohini, New Delhi, against the husband and in-laws in regard to the dowry demands, cruelty and grave sexual violence, way back on 25.02.2023 and despite the allegation of sexual violence, FIR was only registered under Section 498A/406/34 of the Indian Penal Code, 1860 (IPC).



4. He further submits that the FIR was registered under minor offences only to benefit the accused persons.
5. It is further alleged that the petitioner was not called even once for recording of her statement for about one year and notice under Section 91 of the Code of Criminal Procedure, 1973 (CrPC) was issued for the first time on 14.10.2024.
6. The petitioner, on an earlier occasion, also had filed a writ petition being W.P.(CRL) 381/2025 before this Court, seeking directions against the Police Authorities for taking certain action against the accused persons. The said petition is stated to be pending before this Court.
7. In the meantime, the Police has filed Final Report against the accused persons. The petitioner is aggrieved that the Final Report has only been filed alleging offences under Sections 498A/406/377/34 of the IPC whereas the accused persons should have also been charged for offences under Sections 323/341/354/354A/380/506/509 of the IPC.
8. It is the case of the petitioner that the Investigating Officer is hand in glove with the accused persons and due to that reason, the accused persons have been let off on the allegation of minor offences.
9. On being pointedly asked, it is informed that the Final Report has recently been filed and is yet to be accepted by the learned Trial Court.
10. Undisputedly, the petitioner has an alternate efficacious remedy of filing a protest petition before the learned Trial Court, indicating the lapse in the investigation.
11. The Final Report along with the evidence collected thus far



are in custody of the learned Trial Court, who would be in a better position to appreciate the arguments advanced by the petitioner and pass an appropriate order.

12. It is not disputed that the learned Trial Court has sufficient powers in terms of CrPC / Bharatiya Nagarik Suraksha Sanhita, 2023, to either direct further investigation or if required, direct the Authorities to collect further evidence.

13. It is informed that the protest petition is yet to be filed by the petitioner.

14. In such circumstances, this Court does not consider it apposite to pass any order in the present petition at this stage.

15. The petitioner is at liberty to file an appropriate application before the learned Trial Court and as and when any such application is filed, the learned Trial Court is requested to consider the same expeditiously.

16. The petitioner is also at liberty to file an appropriate complaint with the concerned Senior Official of the Police. It is expected that as and when any such complaint is filed, the same would be considered in accordance with law.

17. The petitioner is further at liberty to approach this Court in future in case any grievance remains.

18. The present petition is disposed of with the aforesaid observations. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

MAY 22, 2025 / 'KDK'