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

+ **W.P.(CRL) 1801/2025**

KOMAL CHOUDHARY

.....Petitioner

Through: Mr. Ashok Kumar, Advocate

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.07.2025

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1. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973), seeks a mandamus directing the Respondent to initiate disciplinary action against Inspector Manoj Verma, S.H.O., P.S. Wazirabad and SI Abhishek Singh for allegedly harassing the Petitioner.

2. The Petitioner submits that she had filed a Civil suit before this Court seeking injunction against certain miscreants from interfering in the peaceful possession of the property purchased by her and in this regard, on 22nd April, 2025, this Court directed the S.H.O., P.S. Wazirabad to file a status report with respect to the persons in actual physical possession of the Second and Third floor of the suit property. However, she submits that in the meantime,

¹ "BNSS"



a complaint was allegedly filed against her by one Mr. Devender Jha and one Mr. Suresh Kumar, pursuant to which Inspector Manoj Verma, S.H.O., P.S. Wazirabad and SI Abhishek Singh have been repeatedly issuing notices to her to submit the property documents as well as to appear in person for the inquiry.

3. The Petitioner alleges instead of merely conducting a preliminary inquiry, a full-fledged investigation is being carried out by Inspector Manoj Verma, S.H.O., P.S. Wazirabad and SI Abhishek Singh, without following the procedure established under Section 173(3) of BNSS. She also alleges that, being a woman, she is being wrongfully summoned to P.S. Wazirabad, Delhi, by the aforementioned officers, in violation of Section 179 of the BNSS.

4. The Petitioner submits that due to the harassment faced by her, she filed a representation dated 12th May, 2025 before the Commissioner of Police, Delhi seeking stern action against the erring officers. Further, she also submitted a representation dated 23rd May, 2025 to the DCP (North) Delhi, requesting for a copy of the complaint filed against her by Mr. Devender Jha and Mr. Suresh Kumar, as well as to restrain SI Abhishek Singh from harassing her.

5. Accordingly, through the present writ petition, she seeks the following prayers:

“(i) Issue an appropriate writ, order or direction in the nature of Mandamus whereby directing the Respondent to initiate disciplinary action against Insp. Manoj Verma, S.H.O. and SI Abhishek Singh, P.S.-Wazirabad, North District, Delhi for harassing the petitioner by launching a full-fledged investigation under the garb of preliminary enquiry and also for issuing the notices thereby directing the petitioner (who is a woman) to join enquiry at P.S-Wazirabad, Delhi in utter violation of the provisions of the section 173(3) and 179 of



BN.S.S., 2023;

(ii) Pass any other or further reliefs as this Hon'ble Court deems fit and proper, in the interest of justice."

6. Mr. Sanjeev Bhandari, ASC for the State, on instructions, submits that the complaints dated 12th May 2025 and 23rd May 2025 have been received by the Respondent and at present, Mr. Rajiv Gulati, Inspector, PG Cell, has started conducting an internal inquiry into the said complaints, as the Inquiry Officer.

7. However, considering the nature of the allegations urged by the Petitioner, it is considered appropriate that an officer not below the rank of Assistant Commissioner of Police (ACP) be appointed as the Inquiry Officer.

8. Accordingly, the concerned DCP shall issue necessary directions to ensure that the inquiry is transferred to, and conducted by, an officer not below the rank of an ACP, in accordance with law.

9. Furthermore, once the inquiry is concluded, the decision thereof, shall be communicated to the Petitioner.

10. It is clarified that the internal inquiry initiated against the aforementioned police officials shall not prejudice the inquiry in the compliant against the Petitioner, which shall continue in accordance with law. The State shall be free to take any action against the Petitioner, if so required, in accordance with law.

11. It is further clarified that the Court has not examined the merits of the case. All rights and contentions of the parties are left open. The direction issued does not amount to acceptance of any allegations made by the Petitioner.



12. In view of the above, the present petition is disposed of.

SANJEEV NARULA, J

JULY 18, 2025/ab