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

+ **W.P.(CRL) 2442/2022**

KRISHAN KUMARPetitioner

Through: Mr. Amit Kumar, Mr.
Randhir Kumar and Ms.
Khushboo Sharma, Advs.

versus

STATE GOVT OF NCT OF DELHI
& ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari,
ASC for the State with Mr.
Arjit Sharma, Mr. Nikunj
Bindal and Ms. Nishtha
Dhall, Advs. with Insp.
Pukhraj, NR-I, Crime
Branch.

Mr. Madhav Khurana,
Senior Advocate (*Amicus
Curiae*) with Ms. Shaurya
Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **07.05.2025**

1. The present writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., seeking transfer of investigation of FIR No. 355/2022 dated 19.07.2022 registered under Section 302 IPC at Police Station North Rohini to the Central Bureau of Investigation (CBI) or any other independent agency. The grievance of the petitioner, who is the father of the deceased, is that the investigation conducted by the local police is tainted by bias, lethargy, and procedural lapses, and fails to adequately address material leads which could reveal the truth behind the death of the petitioner's son, Rohit, who was

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found dead under suspicious circumstances.

2. The petition details several aspects of alleged inadequacy in the investigation, including the failure to properly secure and examine the deceased's mobile phone, contradictions in witness testimonies, exclusion of the family from crucial procedural steps such as the inquest and dummy trials, and lack of arrests despite strong suspicions.

3. In response to the petition, the State filed multiple status reports over the course of the proceedings. On 04.08.2023, in the interest of justice, this Court appointed Mr. Madhav Khurana, Advocate, as *Amicus Curiae* to independently assist the Court in examining the manner and efficacy of the investigation being undertaken.

4. Upon detailed examination, the learned *Amicus Curiae* submitted a report highlighting significant lacunae/infirmities in the investigation conducted. This Court took note of the same by order dated 09.05.2024 and transferred the further investigation to the Crime Branch. It was directed that the investigation be completed as expeditiously as possible.

5. Importantly, it is noted from the subsequent status reports and oral submissions that the said lacunae were addressed by the investigating agency in the months following the report of the *Amicus Curiae*.

6. It is categorically stated by the Investigating Officer during the course of hearing and through the status report that the chargesheet is ready and only awaits the FSL findings. Upon receipt of the report, the chargesheet shall be filed expeditiously

7. Having considered the grievance of the petitioner, the progress of the investigation, the assistance provided by the learned *Amicus Curiae*, and the assurance given by the police



authorities regarding imminent filing of the chargesheet, the Court is of the view that no further directions are presently warranted under Article 226 of the Constitution.

8. It is clarified, however, that if any grievance remains regarding the conduct or conclusions of the investigation or chargesheet when filed, the petitioner shall be at liberty to avail appropriate remedies in accordance with law, including filing a protest petition.

9. The petition stands disposed of with the above observations. The assistance of Mr. Madhav Khurana, learned *Amicus Curiae*, is gratefully acknowledged.

AMIT MAHAJAN, J

MAY 7, 2025