



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

% *Reserved on: 17th November, 2025*
Pronounced on: 22nd December, 2025

+ **W.P.(CRL.) 2084/2024**

DEEPAK NAGAR

S/o Sh. Bal Singh

R/o Dadupur Village, Dankaur

Guatam Buddha, UP

.....Petitioner

Through: Mr. Vishal K. Panwar and Mr. Aditya
Verma, Advocates

versus

1. **STATE (GOVT OF NCT OF DELHI)**

2. **DEPUTY COMMISSIONER OF POLICE**

West District, Delhi

3. **SUB-INSPECTOR, JATIN SIWACH**

Investigating Officer

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Ms. Amisha Gupta, Advocate for
State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed for issuance of direction for further



investigation against the Accused persons, through Central Bureau of Investigation, in FIR No. 0354/2023, registered at P.S. Khyala.

2. The Petitioner is the brother of the deceased and seeks fair investigation in the FIR.

3. It is submitted that on 09.07.2023, a PCR call was made *vide* DD No. 17A stating that, “*yaha par ek ladki age lagbhag 30 to 35 years ne fansi laga kar suicide kar lia hai*”. The deceased was Babli, wife of accused Sunil Chandela, who had committed suicide by hanging herself on the third floor. The Police team arrived on the spot where they met husband Sunil Chandela, and they all went to the third floor where they found the dead body lying on the floor of the room.

4. During the investigation, Sunil Chandela and his family members informed that they had brought down the dead body by cutting the rope with the help of a knife. There were pieces of rope found outside the room and a cut rope in the washbasin. Further investigations were done and it was noted that the crime scene had already been disturbed/distorted by the Accused persons, leading to tampering of material evidence.

5. The Petitioner was informed by one woman Shashi, the neighbour, who not only was just a neighbour but also belonged to the same paternal village of the deceased, that “*Babli khatam ho gai hai*”. The Petitioner along with the members of his family, came to the matrimonial home of the deceased where they found that the body had already been taken for post-mortem. Without waiting for the parents of the deceased to reach the place of incident or without even confirming as to whether the parents of the deceased had been informed about the demise, the Police investigation team



sent the body for post-mortem. During this time, they met late Balram, father-in-law of the deceased, and he stated that this mistake was done by his son in connivance with his wife Vimla, daughter, Meenu and Rinki.

6. Thereafter, father of the deceased went under a state of deep grief because of loss of his daughter. On the date of incident, Anil, cousin brother of the deceased, made a Complaint against all the Accused person at P.S. Khyala, Delhi. Thereafter, they took the body for cremation and the last rituals.

7. Thereafter, when they came on 12.07.2023/13.07.2023, it was astonishing for the Complainant that the FIR was still not lodged. The Petitioner who is the real brother of the deceased, made another Complaint on 13.07.2023, which was received by the Police and after immense pressure from the deceased family and the natives, the FIR was registered on 14.07.2023, but no action was taken.

8. It is claimed that the Accused person belong to an influential political family, having high political connection and the Police in order to save them from law, refrained from taking any action against them.

9. Deen Dayal Upadhyay Hospital gave the Post-Mortem Report No. 1131/2023 wherein it was opined *as a suicidal case*. However, Post-Mortem Report is totally silent about time and duration of the death and is also silent about the signs of contusions/bruise marks, which are clearly visible in the photograph of the deceased, signalling towards an assault that has been made on the deceased by the Accused person.

10. Statement under section 161 Cr.P.C. of the Complainant and the family members were recorded. After concluding the investigation,



Chargesheet under *Sections 498A/306/323/34 of the Indian Penal Code, 1860* (hereinafter referred to as “IPC”) was filed. Sunil Chandela, husband was charged under Section 306/498A/323/34 IPC, while the other three Accused were charged under Section 498A/34 IPC only.

11. The Petitioner asserts that the manner of death is suicidal in nature, which happened in a suspicious manner. In order to find out the cause and reason behind it, an Inquest Report has to be made by the I.O. following with intimation to DM, but no compliance of Section 174 Cr.P.C. has been made which reflect that he did not deem it fit to even give intimation to the DM for preparation of Inquest Report. It reflects that I.O. was not really interested in finding out the cause of death of the deceased.

12. It is further submitted that considering various lacunae and loopholes and not satisfied by the investigation done by the Police in the FIR, the Petitioner filed an Application under section 166A/173(8) Cr.P.C. for further investigation before the Court of learned M.M., on 12.08.2024.

13. It is asserted that at the time of incident three prime witnesses, *Ansh, Vanshika and Samrat*, the minor children of the deceased and the Accused, were present on the spot but intentionally their statements were not recorded immediately. Their statements were recorded after two weeks of the incident during which time the minor children were taken by their bua.

14. The questions asked to them were simple and vague and not a single question had reference to the crime or the incident, which resulted in the death of Babli. The question and answers of the statements of all the three children are very similar in nature, which reflect that they are perfectly scripted and tutored. Moreover, the statements were recorded in the presence



of Counsellor of DCW, Ms. Bharti Verma, but she did not sign the statement and her signatures were not obtained by the I.O., giving rise to the investigation conducted by the I.O. The Petitioner had filed a statement for recording of statement of the prime witnesses of crime scene under Section 164 Cr.P.C.

15. It is further asserted that at the time of the incident, late Sh. Balwan Chandela, father-in-law, who was present at the spot, had stated that the mistake had been committed by his wife and two daughters and son in collusion with each-other. However, the I.O. did not record his statement and has given a reply that his statement was not relevant.

16. It is submitted that his Application for further investigation, was dismissed by the learned MM *vide* Order dated 12.01.2024 ignoring the seriousness of the case and the unfair manner in which the investigation were carried out. It is claimed that the biased nature establishes the nefarious design, intention and sole motive of Respondents to save the Accused person from the clutches of law.

17. Not only this, to sabotage the Complaint of the Petitioner, I.O. did not even deem it fit to get the CDR records of the Accused Sunil, who had made extra-judicial confession by calling the wife of cousin brother of the deceased, that he had killed Babli in a state of intoxication. In the initial Complaint filed by Anil, cousin brother of the deceased, made specific allegations that the accused Sunil Chandela, in the state of intoxication, had killed Babli. Despite this, the I.O. never tried to get the MLC done of Sunil Chandela.



18. Not just that, the I.O. has not even looked at the CDR of Shashi, neighbour of the deceased who had informed the cousin brother of the deceased that they had finished their sister. The I.O. intentionally and deliberately has not examined any of these witnesses from the neighbourhood or of the persons who were present at or near the spot, apart from the Petitioner.

19. It is claimed that it is only because of the concocted and unfair investigation the three accused, namely, Vimla and her daughters Meena and Rinki have been charged only under Sections 498A/34 IPC following which they were never arrested. They were only formally interrogated.

20. Accused Sunil Chandela has recently got Bail from this Court *vide* Order dated 07.05.2024. It is asserted that now all the Accused are roaming freely and are proudly stating in the community, and the neighbourhood that *“no one has done anything to them and everything can be managed easily and nobody can do anything to you. We got the Bail and we are outside and now we are free from this case too.”*

21. It is asserted that had the investigation been done in a fair, transparent, and unbiased manner, then all the Accused persons would have been sent to Jail and charged with harsher Sections. It is further asserted that Sh. Balwan Singh Chandela, father of Sunil Chandela, got hospitalized on 18.10.2023, on which date, Sunil Chandela got his Bail and was released on 19.10.2023. His father expired on 19.10.2023 in suspicious circumstances, and there is no medical record of the hospital ever collected during the investigation.



22. It is claimed that it was a case of murder, which has been converted into abetment of suicide and dowry harassment, and the entire investigation has been diverted into a case of simple suicide.

23. Reference is made to State vs. Hemendhra Reddy, SLP (CRL.) NOs. 7628-7630/2017 decided on 28.04.2023 wherein the powers of investigation under Section 173(8) Cr.P.C. have been defined. In Bharati Tamang vs. Union of India and Ors., (2013) 15 SCC 578, the Court observed that in case of deficient/unsatisfactory investigation, it is the duty of the Court to ensure effective conduct of Prosecution, and the Court has the power to direct re-investigation in exceptional circumstances, in case it warrants due to deficient/unsatisfactory investigation. Further reference is made to Dharam Pal vs. State of Haryana and Ors., (2016) 4 SCC 160.

24. It is claimed that the Petitioner has suffered acute mental trauma because of the biased investigation. *A prayer is therefore, made that the investigation be transferred to CBI and relevant documentary evidence be collected.*

25. **The Status Report has been filed on behalf of the State**, wherein it has been explained that on 09.07.2023, a PCR call about a lady having committed suicide by hanging herself at about 08:50 Hours was received vide GD No.17A P.S. Khyala, and the same was marked to PSI Anil for taking necessary action. He along with HC Vikas reached at the place of occurrence and met Sunil Chandela (deceased's husband), who informed that his wife has committed suicide by hanging herself, on the 3rd floor. They all went to room on 3rd floor, where they found dead body was lying on the floor.



26. The deceased's husband and his family members on interrogation, disclosed that Sunil and deceased were married for the last 15 years. They brought down the body by cutting the rope with the help of a knife. The articles were seized, as per the protocol. Mobile phone of the deceased, Accused Sunil Chandela and sister-in-law, were also seized. Proceedings under Section 174 Cr.P.C. were undertaken and an Inquest Report was prepared. The post-mortem of the deceased was conducted and videography of the post-mortem procedure was done. Thereafter, the body of the deceased was handed over to the family members, for last rites.

27. The Post-Mortem Report gave the opinion that the *cause of death is due to asphyxia caused by ligature hanging and the manner of death appears to be suicidal.*

28. The Petitioner had given a written Complaint on 13.07.2023 at P.S. Khyala in which he alleged that the deceased was harassed for dowry and also stated that he and his family members had conspired to kill Babli. On his Complaint, the present FIR was registered.

29. Due investigation was carried out and the statements of witnesses under Section 161 Cr.P.C. were recorded. On completion of investigation, the Chargesheet was filed against the Respondents/Accused person.

30. It is submitted that subsequent opinion was obtained about the exact time of death of the deceased. The Doctor stated that no exact time could be ascertained, though death appeared to have happened approximately 7 to 8 hours prior to the post-mortem examination. It was further opined that the rope was strong enough to bear the weight of the deceased. It was opined



that the ligature mark present on the neck, could have been inflicted by the produced ligature material.

31. Insofar as the injury was concerned, it was opined that the injury in the form of ligature mark present on the neck, could have been caused due to hanging. The duration of the injury was stated to be fresh, while the other two injuries in the form of bruises appeared to be approximately two days old. All injuries including ligature mark, appeared to be anti-mortem. It was further stated that the constriction of neck due to ligature mark was sufficient in the ordinary course to cause death. However, the bruises were simple and were not sufficient to cause death. It was further stated that the two bruises appeared to be two days old and there was least chance of any connection between the injuries and the act of hanging.

32. Insofar as the mobiles are concerned, it is stated that the same was sent for expert opinion. The data from 01.01.2023 to 15.07.2023 could be retrieved and a detailed Report in respect thereof was collected.

33. The Supplementary Chargesheet was filed with the subsequent opinion regarding the ligature mark/injury. The trial is at the initial stage and is pending before the learned MM.

Submissions heard and record perused.

34. Petitioner is the brother of deceased, who discontent with the investigation and suspecting foul play in the suicide committed by his sister, has filed present Petition challenging the investigation undertaken while filing the Chargesheet in FIR No.0354/2023, on the many grounds.

35. The **main assertion** is that the investigation has many loopholes and lacunae, which has given undue benefit and advantage to the accused



persons. *Firstly*, the FIR has been deliberately registered after lapse of five days from the death of the deceased and the investigations commenced when the body of deceased was decomposed and turned into ashes. Because of which, the real cause of death could not be revealed.

36. In this regard, it is pertinent to mention that GD No.17A dated 09.07.2023 was recorded immediately on receiving the information from the neighbour Sashi. *The FIR may have been formally registered after five days, but it cannot be ignored and overlooked that immediately when the incident got reported, the Police machinery was galvanized.*

37. It is also not in dispute that soon thereafter, the Police Team reached the scene of crime and the investigations were commenced. The Crime Team was called which inspected the site and took the photographs. The Rope with which the deceased had hanged herself, was also collected.

38. Inquest proceedings under Section 174 Cr.P.C. were commenced immediately thereafter. Petitioner's contention that there was no Inquest conducted, is also not support by the record.

39. The post-mortem of the deceased was also got done on 09.07.2023 between 03:00 PM to 04:40 PM. Therefore, the contention of the Petitioner that there was delay in initiation of investigations, is not supported by the record.

40. The **second assertion** of the Petitioner is that the scene of crime was disturbed as the body had been brought down. As painful as it may be for an individual to witness this, but it cannot be overlooked that as soon as a person notices that somebody has committed suicide by hanging, the first natural reaction is to bring down the body, which is essentially to provide



any first aid or to revive, if the time so permits. Merely because the dead body had been brought down by cutting the rope, cannot be pleaded as a ground for claiming that the crime scene was disturbed.

41. The **third assertion** of the Petitioner is that he had expressed suspicion about the mode of death of his sister and felt that the injuries on the deceased had been caused. Subsequently she was hanged to make it seem to be a case of suicide.

42. However, a detailed post-mortem was done, wherein it was opined that the death was due to Asphyxia caused by hanging. The detailed opinion of the Doctor was subsequently obtained, wherein the time of death was opined to be about 07-08 hours prior to the post-mortem examination.

43. It was stated that the weight of the deceased could have been borne by the rope, which was recovered from the scene of crime. Ligature marks present on the neck of the deceased, could have caused by hanging. There were two bruises noticed on the left arm and shoulder, which were of bluish purple colour and it was opined that these two injuries could have been inflicted in a scuffle or falling on a hard surface about two days prior to the death of deceased person. It was further explained that the constriction of neck which resulted into ligature mark was sufficient to cause death in ordinary course of nature.

44. Thereafter, from the post-mortem and the opinion of the Doctor, it clearly emerges that it was a case of suicide and not murder, as alleged by the Petitioner.

45. The **fourth assertion** is that there were two minor children of the deceased, who were present in the room at the time of alleged incident.



However, soon after the incident, they were taken away by their *bua* (Aunt) and their statements under Section 161 Cr.P.C. were recorded by the I.O. on 27.07.2017, i.e. after two weeks. The main contention of the Petitioner that *firstly* these children had been taken away in the custody of their *bua* and *secondly* they were tutored. It is further asserted that the questions, which were put to the children, were almost stereotype and were very basic and vague.

46. In this context, it may be noted that statements of the children may have been recorded after 15 days, but that in itself is not sufficient to claim that they are tutored. It is a matter of trial to adjudicate the truthfulness of the statements of the children. Merely because their statements under Section 164 Cr.P.C. were not recorded, cannot be a reason to question or doubt the process of investigations. Section 164 Cr.P.C. statements are merely intended to ensure the truthfulness of the statement and are not any conclusive proof of the statements given by the children.

47. It cannot be overlooked that the two children i.e. Vanshika and Samrat were aged 14 and 11 years, respectively. Considering their tender age and that they would have been traumatised by demise of their mother, they cannot be subject to rigorous investigations. It is mandate of law to put the question to the children, keeping their tender age in mind. It cannot be said that there was any bias on the part of the Investigating Officer, while recording the statement of the children under Section 161 Cr.P.C.

48. In this regard, it may be observed that after filing of FIR on 14.07.2023, ***Protest Petition dated 29.09.2023*** was filed by the Petitioner praying that the statements of these two children be recorded under Section



164 Cr.P.C., which was dismissed *vide* Order dated 12.01.2024. This contention of IO not having made an Application to get the statements under Section 164 Cr.P.C. recorded, as raised by the Petitioner, is not tenable.

49. In examining the Petitioner's grievance regarding biased and incomplete investigation, it is essential to recall the settled principles governing judicial interference in matters of investigation.

50. In the case of Dayal Singh vs. State Of Uttaranchal, (2012) 8 SCC 263, the Apex Court clarified that the investigating officer and the doctor who are dealing with the investigation in a criminal case, are both obliged to be *diligent, truthful and fair in their approach and investigation*. Defective or tainted investigation vitiates the entire process and courts must step in *when investigative lapses are deliberate or prejudicial* to the case of the Prosecution.

51. Furthermore, the Apex Court in Vinay Tyagi vs. Irshad Ali, (2013) 5 SCC 762, held as under:-

“ ... **“Further investigation”** is where the investigating officer obtains further oral or documentary evidence after the final report has been filed before the court in terms of Section 173(8). This power is vested with the executive. It is the continuation of previous investigation and, therefore, is understood and described as **“further investigation”**. The scope of such investigation is restricted to the discovery of further oral and documentary evidence. Its purpose is to bring the true facts before the court even if they are discovered at a subsequent stage to the primary investigation. It is commonly described as **“supplementary report”**.

...

Another significant feature of further investigation is that it does not have the effect of wiping out directly or



*impliedly the initial investigation conducted by the investigating agency. This is a kind of continuation of the previous investigation. **The basis is discovery of fresh evidence and in continuation of the same offence and chain of events relating to the same occurrence incidental thereto. In other words, it has to be understood in complete contradistinction to a “reinvestigation”, “fresh” or “de novo” investigation.***

...

The power to order/direct “reinvestigation” or “de novo” investigation falls in the domain of higher courts, that too in exceptional cases. If one examines the provisions of the Code, there is no specific provision for cancellation of the reports, except that the investigating agency can file a closure report (where according to the investigating agency, no offence is made out). Even such a report is subject to acceptance by the learned Magistrate who, in his wisdom, may or may not accept such a report. For valid reasons, the court may, by declining to accept such a report, direct “further investigation”, or even on the basis of the record of the case and the documents annexed thereto, summon the accused. ...”

52. The Ld. Counsel for the Petitioner placed reliance on Mr. Bhaskar Rao Nimbalkar vs. State of Karnataka and Ors., in W.P. No. 21794/2017 where the High Court of Karnataka (Bengaluru) decided on 25.11.2021. In this case, the High Court ordered re-investigation only because the record clearly demonstrated a complete failure of investigation, including discrepancy regarding sequence of events, failure to seize or examine electronic/forensic material, non-recording of material witness statements, delay in visiting the place of incident, and the investigation itself being premised on fundamentally incorrect facts. The Chargesheet was filed and



Section 302 IPC was dropped. The Court held that the investigation ought to have been conducted in its proper perspective and directed the Police to further investigate and file a supplementary chargesheet.

53. In contrast, in the present case, the record demonstrates that the investigation commenced immediately on receipt of the PCR call; the Crime Team inspected the premises; Inquest proceedings under Section 174 Cr.P.C. were conducted; Post-Mortem was performed the same day; subsequent medical opinion was obtained regarding the ligature material and injuries; mobile data was extracted and analysed; and a Chargesheet was filed. The lapses as contended by the Petitioner do not constitute the kind of glaring, structural or *mala fide* defects, that would warrant investigation to be transferred to CBI.

54. At best, they pertain to evidentiary appreciation, such as the prayer made for preservation of electronic data or recording of Section 164 statements, which are matters squarely within the domain of trial, and not grounds for transfer of investigation.

55. There is no merit in present Writ Petition, which is hereby **dismissed** along with pending Applications.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 22, 2025

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