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

+ **W.P.(CRL) 2115/2025**

DHANANJYA MAHALDAR

.....Petitioner

Through: Mr. Harsh K. Gautam, Mr. A.K.Maji,
Mr. Hemang and Mr. Hamid Khan
and Mr. Naveen Kr., Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. Rajesh Kumar, SPP with Ms.
Mishika Paandit, Mohd. Changez Ali,
and Mr. Yash Narain Advs. for CBI.
Mr. Amol Sinha, ASC with Mr.
Ashvini Kumar, Mr. Kshitiz Garg and
Mr. Nitish Dhawan, Advs. for State.
SI Sahil Dahiya, P.S.Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **11.07.2025**

CRL.M.A. 19707-09/2025 EXEMPTION

Allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(CRL) 2115/2025

1. This is a writ petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, 2023 for issuance of directions to transfer the investigation to any independent agency i.e., Crime Branch or CBI in FIR No. 8/2018 dated 06.02.2018 P.S.Cannaught Place (Karol Bagh), and for directions to arrest accused no.5 and 6 for the offence of murder and under the relevant sections.



2. Learned counsel for the petitioner submits that local police has not properly investigated the case and despite the allegations against respondent no.5- Mr. Sushant Bera instead of implicating him as an accused, he has been made a witness by the police. He submits that police has not conducted the investigation in a fair manner, and therefore, need for transfer the investigation to the Crime Branch/CBI.
3. Learned ASC appearing for Respondent no.1 and 2 submits that investigation has since been completed and charge sheet already filed before the court of learned Metropolitan Magistrate under Section 201/202/304A IPC qua accused Sumant Parmanik. He further submits that petitioner has already filed an application before the court of learned Metropolitan Magistrate under Section 173(8) Cr.P.C for issuing directions for further investigation. He submits that investigation being complete, the writ petition is not maintainable at this stage.
4. After part submissions, Mr. Harsh Gautam, learned counsel for the petitioner seeks permission to withdraw the present petition seeking liberty to pursue his application under Section 173(8) Cr.P.C pending before the court of learned Metropolitan Magistrate.
5. The statement made by learned counsel is taken on record, and the petition is dismissed as withdrawn with liberty as prayed for.

RAVINDER DUDEJA, J

JULY 11, 2025/ib/na