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

+ **W.P.(CRL) 3364/2023**

JASVINDER KAUR

.....Petitioner

Through: Ms. Shobha Gupta, Ms. Sanskriti Shakuntala Gupta, Ms. Simranjeet Kaur, Ms. Akshita Mishra and Ms. Manasvi Negi, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, ASC for the State with Mr. Abhinav Arya and Mr. Aryan Sachdeva, Advocates.
SI Vinod Kumar, PS: Mehrauli.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.09.2025

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1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks transfer of the FIR No. 134/2022, registered under Sections 306/34 Indian Penal Code, 1860¹ at P.S. Mehrauli, to the Central Bureau of Investigation or any other competent agency for conducting inquiry into application no. 714/2021.

2. The Petitioner, sister of late Sh. Harmeet Singh (“deceased”), has

¹ “IPC”



filed the present petition alleging that the deceased's wife and her family members are responsible for his death. It is alleged that the investigation being carried out by the State is perfunctory and lacks diligence.

3. Accordingly, the Petitioner seeks following reliefs:

“(i) To issue a writ of mandamus or any other writ in the nature of order or directions to transfer of present case to CBI from the police. Transfer the fir bearing no. 0134/2022, under section 306/34 IPC registered under section 306/34 IPC, p.s. Mehrauli to C.B.I. or any other competent agency to conduct detailed inquiry into application bearing no.714/2021.

(ii) Take the accused wife and her accomplice into custody and investigate the matter in view of the facts and circumstances mentioned herein above. (iii) Appoint another Enquiry Officer and to register FIR under the relevant provision after conducting investigation from the accused persons and her accomplice and initiate fair investigation/inquiry upon Complaint of the petitioners, and the complaints filed by the deceased reported against Respondents and other unknown persons.

(iv) To DCP Vigilance to hold an enquiry against Respondent no. 2 to 4, Police Station, Mehrauli Delhi in the present case, for not conducting the shady investigation in a heinous crime committed by the accused no. 2 and her accomplice;

4. Counsel for the Petitioner submits that the death was not a case of suicide but a murder orchestrated by the wife of the deceased and her family members, motivated by property disputes and other personal reasons. It is further submitted that despite categorical complaints made earlier by the deceased and his father alleging harassment and threats to life, the police failed to act, and thereafter conducted a biased and lackadaisical investigation, influenced by the accused. Further, it is alleged that material evidence was ignored, crucial statements were not recorded, FIR was registered belatedly only on her application under Section 156(3) Cr.P.C. and even the FSL report was inordinately delayed. She further asserts collusion between the police and the accused and contends that in the



circumstances, only a transfer of investigation to an independent agency such as the CBI would ensure a fair, impartial and credible inquiry.

5. Considering the nature of allegations made by the Petitioner, the Court had called for a status report. As per the status report, the State has taken note of the allegations made by the Complainant and have carried out the investigation. The post-mortem report records the cause of death as “asphyxia on account of antemortem hanging.” During the investigation, the mobile phone of the deceased was seized and sent to FSL, Rohini, for forensic examination. Pursuant to directions issued by this Court on 12th February, 2024, the FSL report has since been received on 27th March, 2024, and is under analysis by the Investigating Officer.

6. Moreover, the suspect, Kulwinder Kaur (wife of the deceased), has been served notice under Section 41A Cr.P.C., bound down and interrogated. Her mobile phone has also been seized and is being sent for forensic examination. The subsequent medical opinion reiterates the earlier post-mortem finding, confirming the cause of death as “asphyxia due to antemortem hanging”.

7. Since the matter is still at the stage of investigation, it would not be proper for this Court to form any conclusive opinion or issue specific directions. Therefore, having regard to the overall facts and circumstances, the material collected during investigation and the principles laid down by the Supreme Court in *Vishal Tiwari v Union of India*², this Court finds no cogent reason to exercise its extraordinary jurisdiction to transfer the investigation to the CBI or any other agency.

8. Nonetheless, the Court directs that the FSL analysis of the seized



mobile phone be expedited and the investigation concluded at the earliest in accordance with law.

9. With the above directions, the present petition is dismissed.

SANJEEV NARULA, J

SEPTEMBER 3, 2025

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² 2024 INSC 3