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

+ **W.P.(CRL) 3468/2023**

SHAMA PRAVIN

.....Petitioner

Through: Mr. Rahul Kumar Singh and
Mr. Shailendra Kumar Singh,
Advocates.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC for State with
Mr. Sangeet Sibou, Mr. Abhishek
Tomer and Mr. Prayansh Raj Singh
Senger, Advocates.
SI Harshvardhan, PS-Farsh Bazar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **16.09.2025**

1. The Petitioner is the mother of the victim. On 19th May, 2023, she submitted a complaint to the Deputy Commissioner of Police (DCP), Shahdara District, Delhi, alleging that when she went to P.S. Farsh Bazar to record her statement regarding accused persons – who were responsible for her son's murder, she was instructed to give her statement to two policemen named Praveen and Babulal. She alleges that these policemen accepted a bribe from the accused persons, recorded a false statement favoring them, and then allowed them to abscond from the police station.
2. On the basis of the aforementioned complaint, an FIR was registered bearing No. 178/2023 on 16th May 2023 at P.S. Farsh Bazar, Delhi.



3. Pursuant to the directions of this Court vide order dated 24th November 2023, a status report has been filed to the following effect:

“That on 16.05.2023, a PCR call was received at PS Farsh Bazar regarding a thief caught at D-623, NSA colony, Vishwas Nagar. The call was entrusted to ASI Praveen for further necessary action. ASI Praveen along with staff reached at the spot and found that a boy namely Sahil S/o Shahid R/o B-566, NSA colony was surrounded by many persons and some persons were found beating the above boy. The complainant Smt Shama Praveen, who is the mother of Sahil (now deceased) along with the accused persons namely Kalim S/o Mustaq Ahmad R/o D-623, New Sanjay Amar Colony Vishwas Nagar Shahdara Delhi and Sameer Khan S/o. Allauddin R/o Present- D-623, New Sanjay Amar Colony Vishwas Nagar Shahdara Delhi were also found at the spot. The above accused persons were apprehended by the police staff and ASI Praveen took the boy namely Sahil S/o Shahid (now deceased) to Dr Hedgewar Hospital and got him admitted vide MLC no 1115/23. Thereafter, an information vide DD No 55A was Received at PS Farsh Bazar regarding death of above boy in Dr Hedgewar Hospital vide MLC no 1117/23, which was entrusted to ASI Praveen for necessary action. On the statement of the mother of the deceased, the above-mentioned case was registered in which the complainant named the accused Kalim, Sameer and Shabi in the FIR as they beaten her son.

During the investigation, two accused persons namely Kalim and Sameer Khan were arrested in on the same day. On the instance of accused Kalim, the weapon of offence also has been recovered.

Further, the anticipatory bail of accused Naseem @Sobi was dismissed by the Hon'ble court vide order dated 06.06.2023, therefore, on 08.06.2023, accused Naseem @ Sobi surrendered before the Hon'ble court and he was arrested in the present case.

On the instance of accused Naseem @ Sobi, a scissors were recovered from his house, the same scissors were used by co-accused Sameer to cut the hairs of the deceased.

The chargesheet, in the present case, has already been submitted before the Hon'ble court and the NDOH is 10.04.2023. All the accused persons are on Court Bail.

It is also pertinent to mention here that an independent enquiry into the complaint of the petitioner was conducted by the Vigilance Branch/Shahdara Distt. During the enquiry the allegations levelled by the petitioner could not be substantiated against the alleged police officials.

However, the undersigned is willing to abide by the directions of the Hon'ble High Court.”

4. By the instant petition under Article 226 of the Constitution of India



read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure²), the Petitioner seeks a fair and proper enquiry by the investigating agency.

5. In the opinion of this Court, such a direction is unnecessary as it is the duty of the prosecution agency to conduct a proper and fair investigation. The counsel for the Petitioner, in fact, acknowledges that a final report under Section 173 CrPC has already been filed in the present matter. As regards allegations levelled against the police officials, the inquiry has been conducted and the allegations could not be substantiated.

6. Accordingly, the present petition is disposed of with liberty granted to the Petitioner to seek appropriate remedies under law before the Trial Court, if aggrieved by the outcome of the investigation.

7. Disposed of.

SANJEEV NARULA, J

SEPTEMBER 16, 2025

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¹ “BNSS”

² “CrPC”