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

+ **W.P.(CRL) 2323/2025, CRL.M.A. 21690-21692/2025**

FAKIH MOHAMMED REHAN HAJATAYPetitioner

Through: In person.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjay Lao, SC for State.
Mr. Rajesh Kumar, SPP with
Ms. Mishika Pandita, Advocates for
R-2.
Mr. Devendra Kumar, Insp., PS-
Cyber Rohini.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **28.07.2025**

1. The present petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks transfer of investigation in FIR No. 30/2023 dated 12th July, 2023 registered under Sections 419 and 420 of Indian Penal Code, 1860 at Cyber Police Station Rohini.

2. The Petitioner, who is appearing in person, alleges that the investigation in the above-mentioned FIR is not being conducted in fair and impartial manner, and accordingly seeks its transfer to the Central Bureau of Investigation¹ or any other investigating agency under the control of the Central Government. He highlights that the Investigating Officer initially in

¹ "CBI"



charge of the case had demanded a bribe from the Petitioner in relation to the subject FIR, and was subsequently arrested in a trap laid by the CBI and charge-sheeted in that regard. Despite this development, the investigation continues to remain with the same police station, where other officers are professionally associated with the former IO, raising apprehensions of bias and lack of objectivity in the ongoing investigation.

3. Mr. Sanjay Lao, standing counsel for the State, apprises the Court that event though the Petitioner has not been named, he is one of the suspects in the FIR in question. He further controverts all the allegations made in the Petition and submits that the investigation is currently underway and is being conducted strictly in accordance with law.

4. Having considered the submissions, this Court is of the view that no exceptional circumstances have been demonstrated by the Petitioner that would warrant transfer of the investigation to the CBI or any other central investigating agency. As held by the Supreme Court in ***Royden Harold Buthello & Anr. vs. State of Chhattisgarh & Ors.***², the power to transfer investigation is an extraordinary one that must be exercised sparingly, cautiously, and only in exceptional situations. These may include circumstances where it becomes necessary to ensure a fair trial, to instil confidence in the investigation, to provide credibility, or where the incident may have national or international ramifications, or where such an order is required for doing complete justice and for enforcing fundamental rights. In the present case, no such material has been placed on record that would warrant the exercise of this extraordinary jurisdiction. Accordingly, the request for transfer of investigation is declined.



5. Nevertheless, to ensure transparency and remove any apprehension of bias in the mind of the Petitioner, it is directed that the ongoing investigation shall be supervised by the concerned Assistant Commissioner of Police.³
6. If the Petitioner remains dissatisfied with the manner of investigation, he shall be at liberty to pursue other legal remedies, in accordance with law.
7. With the above directions, the petition is disposed of along with pending applications.
8. A copy of this order be sent to the concerned ACP for necessary information and compliance.

SANJEEV NARULA, J

JULY 28, 2025

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² Royden Harold Buthello v. State of Chhattisgarh, 2023 SCC OnLine SC 204

³ “ACP”