



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2459/2025**

RESHMA BAHADURPetitioner

Through: Petitioner (in-Person).

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjeev Bhandari, ASC (Crl.)
with Mr. Arjit Sharma and Ms. Sakshi
Jha, Advocates for State.
ASI Shiv Kumar, P.S. Prahla Pur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

08.08.2025

1. The present petition filed under Article 226 of the Constitution of India, seeks the following reliefs:

- “1. ***To Issue a Writ of Mandamus*** by passing an Order/ Directions to the Investigating Officer for releasing the car of the petitioner expeditiously in Interest of Justice.
2. ***To Issue a Writ of Quo Warranto*** by passing an Order/ Directions to the Investigating Officer to justify that under which provision of law he has been authorised to take and keep the car of the petitioner into police custody.
3. ***To Issue a Writ of Mandamus*** by passing an Order/ Directions to the Investigating Officer to register F.I.R and do proper investigation upon the complaint filed by the petitioner.
4. ***To Issue a Writ of Mandamus*** by passing an Order/ Directions of Injunction to the Investigating Officer restraining him from implicating the petitioner and her old age father of 74 years of age and her sister in present F.I.R No. 08/2023 as in 2 years and 6 months of investigation, I.O was not able to find any prima facie or any other evidences to justify the commission of alleged offences by the petitioner and her family members.
5. ***To Issue a Writ of Mandamus*** by passing an Order/ Directions to the Hon'ble Trial court to not to take cognizance against the petitioner and her family members as no prima facie evidences or any other evidences are there to implicate them and also the Hon'ble Trial Court is barred under section 468(2) Cr.P.C to



take the cognizance of the offences mentioned in F.I.R which is maximum upto one year from the date of occurrence of offence.

6. ***To Issue a Writ of Mandamus*** Order/ Directions to Department of Legal Affairs for conducting the departmental enquiry of A.S.I Shiv Kumar for doing contempt of Court for not making compliance of the guidelines mentioned by 5 Judges Constitutional Bench of Supreme Court in judgement of ***Lalita Kumari VS. State of Uttar Pradesh [2013] 14 S.C.R 713***, which provides for mandatory registration of F.I.R on mere receipt of information of cognizable offence and
Also for not making compliance of the guidelines mentioned by 2 judges bench of Hon'ble Supreme Court of India in Sundarbhaj Ambalal Desai & Ors. v. State of Gujarat (2002)" judgement and Also for not making compliance of the statutory provision of Chapter 12 Cr.P.C. which clearly mentioned that "Every Investigation under this Chapter shall be completed without unnecessary delay" and report has to be submitted before the Hon'ble court within a reasonable time period.
7. ***To Issue any other Writ/Pass any other further order(s)/relief(s) and/or direction*** which this Hon'ble court may deem just and fit and proper in the facts and circumstances of the case."

2. Mr. Sanjeev Bhandari, ASC (Crl.) for the State, has pointed out that the car in question bearing no. DL 3CC J 0683 make Maruti Suzuki 800, has been seized on account of its involvement in FIR No. 8/2023 registered under Sections 341/323/279/337/34 of the Indian Penal Code, 1860¹ at P.S. Pul Prahlad Pur.

3. Mr. Bhandari, on instructions from the Investigating Officer, states that the inspection with respect to the vehicle has been carried out. He further submits, that if the owner of the vehicle, who is the father of the Petitioner, were to file an application for its release on *superdari*, the same may be considered in accordance with law.

4. Therefore, the seizure of the vehicle was in connection with an accident which formed the basis of FIR No. 8/2023. Prima facie, the seizure

¹ "IPC"



was well within the powers conferred upon the police for purposes of investigation.

5. As regards the request to restrain the I.O. from implicating the petitioner and her family members in FIR No. 8/2023, this Court is of the view that the investigation is still underway and the chargesheet has not yet been filed. It is not open to this Court at this stage to interfere with the investigation or issue directions that would pre-empt the conclusions that may be drawn by the investigating agency, and hence, no direction is warranted by this Court at this stage. Similarly, the prayer seeking a direction to the Trial Court not to take cognizance against the petitioner and her family members, is also not maintainable.

6. The Petitioner also seeks a direction for registration of an FIR on the complaint filed by the petitioner. However, whether such offence is disclosed is a matter for the police to determine. This Court is not inclined to interfere in this regard, especially when the petitioner has alternative remedies under law, including approaching the Magistrate under Section 156(3) Cr.P.C. if she is aggrieved by police inaction.

7. In light of the above, the present petition is disposed of with liberty to the owner of the vehicle to move an appropriate application before the concerned Magistrate for release of the vehicle on *superdari*.

8. The present petition is disposed of with liberty as aforesaid.

SANJEEV NARULA, J

AUGUST 8, 2025

as