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

+ **W.P.(CRL) 2536/2025**

MD. KAMIL @ RASHID

.....Petitioner

Through: **Mr. M.Hasibuddin, Advocate**

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

.....Respondents

Through: **Mr.Rahul Tyagi, ASC with
Mr.Sangeet Sibou, Mr.Priyansh Raj
Singh Senger and Mr.Aniket K.
Singh, Advocates for the State
alongwith ASI Ashok Kumar,
Vigilance South Distt. P.S.- Tigri**

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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14.08.2025

CRL.M.A. 24004/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2536/2025

1. Dissatisfied with the progress and manner of the investigation, the petitioner seeks issuance of directions to the respondent No.1 to conduct/initiate legal action after registration of FIR on the basis of inquiry report dated 04.09.2024 conducted on the complaint DD No.38A, dated 23.07.2024.

2. Heard.



3. Learned counsel for the petitioner argues that the investigating agency is not proceeding in a fair and just manner and is intentionally stalling the investigation after registration of FIR.

4. Learned ASC for the State appears on service of advance copy of the petition and accepts notice on behalf of the State. He opposes the petition arguing that once complaint has been received, law will take its own course.

5. Be that as it may, in my opinion, the petitioner ought to have availed of other available legal remedies for redressal of his grievance before approaching this Court. Ordinarily, in cases of grievances arising from unfair or improper investigation of an FIR, the aggrieved person can seek recourse by approaching a superior police officer as per Section 30 BNSS. If the grievance remains unaddressed, one can then approach a Magistrate of competent jurisdiction under Section 175(3) BNSS, who can order an investigation and submission of a report by the police. Additionally, an aggrieved party can choose to file a criminal complaint before the competent Court, if so advised. Reference may also be had to Apex Court judgment in ***Sakiri Vasu versus State of U.P. and Others, 2008 (2) SCC 409.***

6. In the premise, instant petition is disposed of with liberty to the petitioner approach the appropriate forum for redressal of grievance, as aforesaid.

7. Pending application(s), if any, shall also stand disposed of.

ARUN MONGA, J

AUGUST 14, 2025

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