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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2644/2025 & CRL.M.A. 24997/2025

BIRJESH PRASAD & ORS.

.....Petitioners

Through: Mr. Jai Gaur, Adv.
(through VC)

versus

STATE OF NCT OF DELHI

.....Respondents

Through: Mr. Amol Sinha, ASC for
the State with Mr. Ashvini
Kumar, Ms. Kshitiz Garg
and Mr. Nitish Dhawan,
Advs. with W/SI Preeti
Dhankar, PS Budh Vihar,
Rohini Distt.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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25.08.2025

1. By the present petition, the petitioner seeks following prayers :

- a. *Issue a writ in the nature of mandamus directing the Respondent to immediately cease all harassing, threatening, and intimidating actions against the Petitioners and his family members, including late-night visits without written justification and due process; AND/OR*
- b. *Direct an independent inquiry into the conduct of SHO PS Budh Vihar and the IO of the case, with appropriate departmental action for misuse of authority; AND/OR*
- c. *Direct the Respondent to adhere strictly to BNSS provisions, Supreme Court guidelines, and NHRC directives in any further investigation; AND/OR*
- d. *Award costs and compensation to the Petitioners for mental agony and harassment; AND/OR*



e. *Pass any other orders as deemed fit in the interests of justice.*

2. At the outset, the learned Additional Standing Counsel for the State submits that no threat or intimidation has been given to the petitioners or their family members.

3. He also submits that no late-night visits have been made by the Police in regard to the investigation.

4. He assures that the investigation, if any, will be conducted during the permissible hours and that the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 will be strictly adhered to. He further submits that the allegations made in the present petition have no basis.

5. The Police appears to be investigating an offence in regard to FIR No. 363/2025, registered at Police Station Budh Vihar, for offences under Sections 64(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

6. The petitioners are stated to be the brother, mother and sister-in-law respectively of the main accused who is stated to have committed the offence in the FIR.

7. The Police is duty-bound to investigate the allegations as made in the FIR.

8. It is pointed out that the main accused person is still absconding.

9. In such circumstances, making an enquiry from the family members of the accused cannot be stated to be without any authority of law.

10. No order can be passed in the present petition at this stage



once it has been assured that all steps will be taken in accordance with law and the enquiry, if any, will be conducted in the permissible hours.

11. The present petition is accordingly disposed of with the aforesaid observations. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

AUGUST 25, 2025

'KDK'