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

+ **W.P.(CRL) 2826/2025 & CRL.M.A. 26538/2025**

AJAY KASHYAP & ANR

.....Petitioners

Through: Mr. Surya Prakash, Advocate.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the State along with Mr. Sangeet Sibou, Mr. Prayansh Raj Singh Sengar and Mr. Aniket Kumar Singh SI Suraj, PS Hauz Khaz and SI Anup Rana, PS Hari Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.09.2025

1. The present petition under Articles 226 and 227 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks, *inter alia*, directions to the Respondents to direct free and fair investigation/enquiry into the death of Vishal Kashyap, who died while in judicial custody at Tihar Jail.
2. Petitioner No. 1 is the brother, and Petitioner No. 2 is the father of the deceased, Vishal Kashyap.
3. They seek the following reliefs:

In view thereof, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:



- a) Allow the present petition and direct the Respondents to provide copy of inquest proceedings conducted by Ld. Judicial Magistrate, videography of postmortem and copy postmortem report of the deceased Vishal Kashyap to the Petitioners;*
- b) Pass an order directing an independent, free and fair investigation/enquiry into the death of Vishal Kashyap while in the Judicial Custody in Tihar Jail under the supervision of this Hon'ble Court;*
- c) Pass an order directing registration of FIR against the culprits/persons involved in the death of Vishal Kashyap while in the judicial custody in Tihar Jail;*
- d) Award reasonable and sufficient compensation from the Respondent Authorities to the parents/family members of the deceased Vishal Kashyap who died in judicial custody in Tihar Jail; and/or*
- e) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.*

4. Mr. Rahul Tyagi, ASC for the State, apprises the Court that inquest proceedings as well as magisterial inquiry are currently in progress. The Court is further informed that although the postmortem has been conducted and videographed, the final opinion is still awaited.

5. Considering the nature of the prayers sought by the Petitioners, it is directed that upon the conclusion of the inquest proceedings and magisterial inquiry, copies of the inquest proceedings as well as the videography of the postmortem shall be provided to the Petitioners. It is expected that this exercise will be completed expeditiously, preferably within two months from today.

6. Since the inquest proceedings and magisterial inquiry are ongoing, the Court has not expressed any opinion on the merits of the case, nor has it foreclosed the Petitioners' right to pursue appropriate legal remedies for prayers (b), (c), and (d).

7. Accordingly, the petition is disposed of with liberty to the Petitioners to pursue appropriate legal remedies regarding prayers (b), (c), and (d), subject to the outcome of the inquest proceedings and magisterial inquiry.



8. Disposed of along with pending application.

SANJEEV NARULA, J

SEPTEMBER 4, 2025/MK