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

+ **W.P.(CRL) 3181/2024**

ARSHAD ASHRAF P M

.....Petitioner

Through: **Mr. Asad Iqbal and Mr. Abuzar,**
Advocates

versus

THE STATE (NCT OF DELHI) AND ANR

.....Respondents

Through: **Mr. Rahul Tyagi, ASC (CRL) with**
Mr. Sangeet Sibou, Mr. Priyansh Raj
Singh Sengar and Mr. Aniket Kumar
Singh, Advocates for the State
alongwith SI Narender Singh, PS CR
Park

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

12.12.2025

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1. Writ Petition under Article 226 of Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed with the prayer that the investigations be conducted by SIT by the CBI or CID or Crime Branch to ascertain the case of the death of the deceased as the circumstantial evidence is against the nature death of Niyas P K.
2. The brief facts narrated in the Petition are that deceased Niyas P K, resident of Kannur, Kerala had travelled to Delhi by Air India flight from Oman alongwith his friend Noufal Pazhayapura Kunhamu on 09.06.2023. The deceased and his friends stayed at their friend's house at CR Park, New Delhi where there were four rooms. There were other people present in the Flat at the time of death of the Niyas P K. Some of them were Sh. Thanveer



CP, Sh. Thahs Mohamed, Sh. Mumaij and his lady friend whose name is not known to the Petitioner, Sh. Mazin, Sh. Shakkir and Sh. Deepak. In the night, they all went to the local outing and came back to the house. Thereafter, on next day in the morning, he was found dead.

3. The residents rushed him to the Hospital where he was declared dead. The Post-mortem conducted at AIIMS Hospital, New Delhi wherein it was found that the deceased had been consuming alcohol. The death as per the Postmortem Report happened at 06.45AM, while he was taken to hospital at 02.58 PM, which means after the delay of 8 hours.

4. The lacuna on the part of Police itself creates doubt on the manner in which investigations has been done. There were eight people in the house at the time of demise of deceased, whereas only five people were taken to the Police Station. Two men and one lady left for the reasons best known to the Police. The Petitioner tried to contacted to ACP Neeraj Tokas of CR Park area on 29.02.2024 and it was revealed that she was on Medical Leave and on the request, she asked the Petitioner to share the details on WhatsApp. Thereafter, the Petitioner sent all the relevant information and documents to the said officers. After checking the details, she confirmed to the Petitioner that the Viscera of the deceased has been deposited in the Rohini FSL Lab and she would give priority Letters once she joins back. She referred the Petitioner to another Police Officer SI Vishal Tiwari at CR Park as point of contact, on 06.03.2024. Since March till July, 2024, always the dates had been given for the follow up.

5. On 27.07.2024, SI Vishal asked the Petitioner to share the Reports of deceased again with him and also confirmed that the priority Letter has been



sent to FSL, Rohini. He asked the Petitioner to go directly to CR Park Police Station, for further updates.

6. On 22.08.2024, the Petitioner alongwith a friend went to CR Park ACP Office and enquired from SI Vishal Tiwari about the timing in Postmortem Report, in regard to the death of deceased. The Police official answered in a casual manner which reveals that the investigation has not been done seriously and correctly.

7. The Petitioner filed an RTI Application to the Police to which Reply dated 23.09.2024 was received, but they did not answer anything about the FIR or investigation or the Closure Report. In their Reply dated 04.04.2024, it was reported that they had deposited the Viscera to RFSL, Yashwant Place, Chanakya Puri whereas from the very beginning, it was being told that the Viscera has been deposited with FSL, Rohini.

8. The Petitioner made a Complaint to the Commissioner of Police on 27.08.2024, 04.09.2024 and 10.09.2024. At the end, the Petitioner reached to an Officer SI Narendar of CR Park, who told the Petitioner that the Viscera is deposited with RFSL, Chanakya Puri and not at FSL, Rohini. The Viscera had been deposited only on 04.04.2024, i.e. after 10 months of the incident. The FSL Report is still awaited and the investigation has not been concluded.

9. It is the peculiar situation as the Respondent No. 2 is not taking any action upon the Complaint of the Petitioner and not conducting proper investigation. Hence, the Petition has been filed for transfer of the investigation to CBI, Crime Branch, CID or set a SIT may be constituted.

10. ***Status Report has been filed on behalf of the State*** wherein it is stated that Vide DD No. 28A dated 10.06.2023, information was received



about the demise of Niyas P K. Vide MLC No. 763/2023 dated 10.06.2023 from Fortis Escorts Heart Institute by SI Nirankar. The deceased had consumed alcohol in the previous night and was seen in normal state till 08:30 AM in the morning. Later, he was found in unresponsive state at about 01:00 PM and was taken to Hospital, where he was declared brought dead at 02:58 PM.

11. The Post-Mortem was conducted at AIIMS Hospital wherein the Doctor opined that “the cause of death to the best of my knowledge and belief is Asphyxia due to aspiration of gastric contents, however final opinion is reserved pending till the Toxicological Analysis Report of viscera preserved is made available by the IO.”

12. Statement of deceased brother, namely, Hijas Poovan Kulathil, Ashhal PK, Naufal and Shakir MP were recorded. Post-Mortem Report was received on 10.07.2023. The Viscera has been deposited in RFSL, Yashwant Place, Chanakyapuri on 04.04.2024. Priority letters have also been issued on 26.06.2024 to RFSL, Chanakya Puri. The Viscera Report is still awaited. After receiving the Report, the same shall be sent to AIIMS Hospital to obtain cause of death. The Inquest Report will be finalized after the result of RFSL, Chanakya Puri is received.

13. Learned Counsel further submits that the Viscera Report has already been received from RFSK, Chanakya Puri and the final opinion has also been obtained from the AIIMS Hospital, which gives the same opinion about the cause of death. The Inquest proceedings have already concluded. It has been found that it was not a case of unnatural death.

Submissions heard and record perused.



14. The medical report as well as the post-mortem and the expert opinion shows that the cause of death was Asphyxia due to aspiration of gastric contents. The Inquest Report stands concluded.

15. In the circumstances, no further directions are required to be given for referring the matter to CBI, CID or for constituting a SIT for further investigations.

16. In case, the Petitioner is not satisfied, he is at liberty to adopt the appropriate remedy in accordance with the provisions of BNSS and approach the appropriate forum.

17. The Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

DECEMBER 12, 2025

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