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

+ **W.P.(CRL) 3790/2025, CRL.M.A. 34226/2025**

HASHIM RUSTAM

.....Petitioner

Through: Mr. Puneet Mittal, Senior Advocate
with briefing counsel.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan,
Mr. Manan Wadhwa and Mr. Anshul
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.11.2025**

1. This petition under Section 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks the following prayers:

*“A Transfer the investigation in FIR No. 142/2024, 150/2024, 162/2024, 221/2024, 359/2024, 454/2025, 472/2025, registered against the Petitioner all at police station Ambedkar Nagar to CBI or any other agency not below the rank of Joint Commissioner to investigate and conduct a detailed enquiry against respondent No.2 & 3; and
B Monitor the investigations in FIR No. 142/2024, 150/2024, 162/2024, 221/2024, 359/2024, 454/2025, 472/2025, registered against the Petitioner all at police station Ambedkar Nagar ; and”*

2. At the outset, Mr. Puneet Mittal, Senior Counsel for the Petitioner clarifies that prayer “B” seeking Court-monitored investigation is not being



pressed. The petition is, therefore, confined to the prayer for transfer of investigation away from officers of P.S. Ambedkar Nagar.

3. Mr. Mittal, submits that the Petitioner and his family have been repeatedly subjected to assault, coercion, and illegal detention at the hands of certain officers of P.S. Ambedkar Nagar, particularly Inspector Rampal Yadav and Inspector Munish Kumar. It is alleged that the Petitioner and his family members were severely beaten by these officials, and that, as a consequence of the assault, the Petitioner's mother lost vision in her right eye. Complaints to this effect have been made to senior police officers as well as to the Magistrate. He further submits that these officers have created obstructions in the schooling of the Petitioner's minor children, thereby aggravating the family's vulnerability. On this basis, it is argued that any investigation conducted by officers of the same police station, and particularly by or under the influence of the officers against whom such serious allegations are pending, cannot command public confidence. Mr. Mittal contends that the pattern of conduct reflects a vindictive and abusive exercise of police authority. Mr. Mittal, therefore, urges that the investigation in question be taken away from P.S. Ambedkar Nagar and entrusted either to CBI or, at least, to some other wing of Delhi Police or under an officer of sufficiently senior rank, such as a Joint Commissioner, so as to secure a fair and independent investigation.

4. *Per contra*, Mr. Amol Sinha, ASC for the State, disputes the allegations of assault, illegal detention and harassment. He submits that the investigations in the FIRs mentioned in the petition are being conducted in accordance with law and that there is no institutional bias against the Petitioner. At the same time, he fairly states that, in order to remove any



apprehension of partiality, the two officers named by the Petitioner, namely Inspector Rampal Yadav and Inspector Munish Kumar, shall not be associated with the investigation of these FIRs. Mr. Sinha further submits that the State is willing to place the investigations under the supervision of the Deputy Commissioner of Police (DCP) concerned, who will ensure that the inquiries are handled by officers unconnected with the allegations levelled in the petition. He disputes the allegation that any obstruction has been caused to the Petitioner's children in attending school, but nonetheless undertakes that no such obstruction or harassment will occur. He emphasises that, subject to these safeguards, the State must remain free to carry out investigation and enquiry as mandated by law.

5. Court has considered the aforementioned submissions and the material on record. The Court is mindful that directing an investigation to the CBI or to a special policing wing under a senior officer is not a matter of routine. The Supreme Court has emphasised that such power, though available under Article 226, is to be exercised sparingly and with great caution, and only in exceptional situations where CBI involvement is necessary to instil confidence in the investigation, ensure credibility, or otherwise secure complete justice.¹ Mere allegations against local police officials or expressions of apprehension by a party do not, by themselves, justify recourse to an external agency.

6. In the present case, while the allegations against Inspectors Rampal Yadav and Munish Kumar are serious, they remain contested and form the subject of independent complaint proceedings. The material on record at this

¹ *State of West Bengal v. CPDR* (2010) 3 SCC 571; *Legislative Council U.P. Lucknow & Ors. v. Sushil Kumar & Ors.* 2025 INSC 1241.



stage does not disclose circumstances of such nature or gravity as would warrant departure from the ordinary rule that investigation should remain with the State police. The established threshold of circumstances undermining the adequacy or credibility of the local investigation is not met merely by disputed allegations against two officers. At this stage, the Court is satisfied that the Petitioner's concerns can be addressed by insulating the investigation from the involvement of the named officers and ensuring effective supervisory oversight at the level of the DCP.

7. Accordingly, in view of the stand taken by the State, and to ensure that the investigations inspire confidence, it is directed that the investigation in all the FIRs mentioned in prayer "A" above shall be conducted under the overall supervision of the DCP concerned. The DCP shall ensure that:

- (i) Inspector Rampal Yadav and Inspector Munish Kumar are not associated, directly or indirectly, with the investigation of the aforesaid FIRs;
- (ii) the investigation is entrusted to officers who are not under the immediate administrative control of either of the said inspectors and who are capable of functioning independently; and
- (iii) any complaint by the Petitioner or his family regarding alleged harassment in the course of investigation is forthwith brought to the notice of the DCP, who shall examine it and take appropriate action in accordance with law.

8. The assurance given on behalf of the State that there shall be no obstruction or harassment in relation to the schooling or day-to-day movement of the Petitioner's children is recorded.

9. It is clarified that these directions are issued only to ensure that the



investigations in question are conducted in a manner that maintains public confidence. Nothing in this order shall be construed as an expression of opinion on the merits of the allegations made by the Petitioner or against him. All issues on merits shall remain open to be examined by the competent courts or authorities in accordance with law.

SANJEEV NARULA, J

NOVEMBER 18, 2025

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