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

+ W.P.(CRL) 42/2025
K W/O P

.....Petitioner

Through: In person with Mr. Pawan Sharma,
Advocate

Versus

STATE OF NCT DELHI AND ANR.Respondents

Through: Mr. Rahul Tyagi, Additional
Standing Counsel with Ms. Priya
Rai, Mr. Sangeet Sibou, Mr. Amit
Rohilla & Mr. Aniket Kumar
Singh, Advocates with WSI Jyoti

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
10.01.2025

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1. The present Writ Petition under Article 226 of the Constitution of India read with *Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023* has been filed seeking transfer of the case pertaining to FIR No. 554/2021, registered at Police Station Kanjhawala, Delhi to an independent Agency for further investigation under Section 173(8) of Code of Criminal Procedure, 1973 (*henceforth referred to as the Cr.P.C.*) and to direct disciplinary action against the police officials for violating the fundamental rights of the Petitioner.

2. *Learned Counsel appearing on behalf of the Petitioner (husband of the Petitioner)* has submitted that the grievance is emanating from the



fact that the Petitioner had entered into an inter-caste marriage with him from where the tirade of multiple FIRs and other litigations commenced.

3. The present FIR is one out of those, wherein after investigations Charge Sheet was filed in the year 2022 for the offences under Sections 323/380/506 /34 of the *Indian Penal Code, 1860* ('IPC'). It is submitted that the averments made by the Petitioner, have not been reflected in the Charge Sheet.

4. He further submits that after receipt of copy of the FIR in the year 2021, he had moved an Application before the concerned Deputy Commissioner of Police ('DCP') for taking note of other offences, which had been committed. He has explained in detail that the family members of the Petitioner along with their neighbours have been committing atrocities one after another, resulting in registration of multiple FIRs. It is further submitted that further investigation in this FIR be referred to an independent Agency.

5. Learned counsel for the Petitioner further submits that they are now being pressurized by the family members and by the accused persons for entering into a compromise, for which they are not inclined.

6. *Learned Additional Public Prosecutor for Respondent-State* on instructions from the Investigation Officer, has submitted that Petitioner has all his remedies available before the learned Metropolitan Magistrate and there is no merit in the present petition. Petitioner can move an Application under Section 173(8) Cr.P.C. for further investigation, if the circumstances so merit. It is claimed that no further investigation is required in the present case and there is no merit in the present petition.

7. **Submissions heard.**



8. Investigation in regard of which the present FIR was registered on 17.08.2021, was duly concluded and the Charge Sheet was filed way back in the year 2022. According to the Petitioner, she became aware of the filing of the Charge Sheet only in the year 2024 when she received summons. With regard to her prayer for further investigation in this FIR, she is at liberty to move an Application before the learned Trial Court.

9. Insofar as the protection to the Petitioner and her family members is concerned, she is at liberty to make an Application before the learned District and Session Judge to seek protection for herself and the witnesses. Moreover, she can also make an Application to the concerned DCP, who after taking a holistic view of the circumstances, shall provide protection the Complainant, her family members and witnesses.

10. It has been stated by learned Additional Public Prosecutor for Respondent-State that as and when any such Application is made by the Complainant before the concerned DCP, the same shall be considered.

11. In view of the aforesaid, the present Petition and pending Application are accordingly disposed of.

12. Learned Counsel for the Petitioner submits that Petitioner has to appear in multiple cases and seeks a direction to the Trial Court for longer dates. Petitioner is at liberty to make a request for longer date before the learned Trial Court.

NEENA BANSAL KRISHNA, J

JANUARY 10, 2025

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