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

+ W.P.(CRL) 4237/2025, CRL.M.A. 38111-38112/2025

FATIMA NAFEEES

.....Petitioner

Through: Mr. Aditya Wadhwa, Mr. Govind Manoharan, Ms. Samiksha Godiyal, Mr. Tenzing Namgyal Bhutia, Ms. Swastika Thourwal, Mr. Rithwik Narayanan, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Ms. Rajni Gupta, SPP for CBI with Mr. Shivender Gupta, Advocate along with SI Shubhendra.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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19.12.2025

1. This petition under Article 226 of the Constitution of India, assails the order dated 30th June, 2025 dismissing the Petitioner's protest petition against the closure report filed by the CBI in Case No. 407/2019 arising out of RC No. 6(S)/2017/CBI/SCI/New Delhi, registered upon transfer of investigation in FIR No. 523/2016 under Section 365 IPC at P.S. Vasant Kunj North.
2. The factual background: The Petitioner, Ms. Fatima Nafees, lodged a missing person report on 15th October, 2016 in respect of her son, Najeeb Ahmed, a student of Jawaharlal Nehru University, New Delhi, who went missing from the JNU campus.
3. Pursuant to the investigation carried out by the CBI, a closure report came to be filed on the premise that despite investigation from all possible angles, no material could be gathered to ascertain the whereabouts of Najeeb



Ahmed.

4. The Petitioner thereafter filed a protest petition assailing the closure report. Upon a detailed consideration of the material collected during the course of investigation and the submissions advanced, the Trial Court found no ground to accept the protest petition and accordingly the closure report has been accepted.

5. While doing so, the Trial Court also recorded its earnest hope, an expression with which this Court concurs, that the Petitioner's son, Najeeb Ahmed, is traced at the earliest. Significantly, liberty was expressly reserved to the CBI to reopen the investigation upon receipt of any credible information regarding the whereabouts of Najeeb Ahmed, with a corresponding obligation to keep the Court informed.

6. Having regard to the aforementioned circumstances, Mr. Aditya Wadhwa, Counsel for the Petitioner, points out that, as per the closure report, the CBI was unable to retrieve any data from the mobile phones of LW-33 (Vikrant Kumar), LW-39 (Aishwarya Pratap Singh) and LW-35 (Sunil Pratap Singh), perhaps owing to limitations in the software tools available with them. He submits that independent experts have suggested that data extraction from the said devices may be possible using specialised forensic tools such as Cellebrite UFED and Cellebrite Premium. The data from the mobile phones, he submits, can possibly give further clues which could assist the agency in carrying out further investigation.

7. Ms. Rajni Gupta, SPP for CBI, submits that she is not in a position to state whether the aforesaid software tools are presently available with the agency or whether procurement thereof would be feasible. She, nonetheless, submits that the writ jurisdiction of this Court under Article 226 of the



Constitution cannot be invoked to assail the judicial order.

8. Though the petition has been filed under Article 226 of the Constitution of India, Mr. Wadhwa has made an oral request that this Court may also exercise its supervisory and inherent jurisdiction under Articles 226 and 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973, as the case may warrant.

9. Having regard to the aforesaid circumstances, and bearing in mind that the case concerns a missing person whose mother has been pursuing the matter for several years, as also the fact that the Trial Court has itself kept open the possibility of reopening the investigation upon receipt of credible information, this Court considers it appropriate to dispose of the present petition with a limited and specific direction.

10. Accordingly, it is directed that in the event the software tools referred to above are available with the CBI or can be reasonably procured, the same shall be deployed for the purpose of extracting data from the mobile devices of the aforesaid witnesses. In the event such exercise yields any credible information which could assist in tracing of Najeeb Ahmed, the CBI shall be at liberty to reopen the investigation in terms of paragraph 56 of the impugned order.

11. Any decision taken by the CBI in terms of the directions issued herein shall be duly communicated to the Petitioner.

12. With the above directions, the present petition is disposed of along with pending applications(s).

SANJEEV NARULA, J

DECEMBER 19, 2025/ab