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

+ **W.P.(CRL) 276/2026**

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.....Petitioner

Through: Mr. Lakshay, Mr. Gitesh Aneja &
Mr. Deepak Verma, Advocates
alongwith Petitioner in Person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC (Criminal)
with SI Neelse, PS Nabi Karim.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.01.2026

1. The petitioner, who is the prosecutrix in FIR No. 461/2025 dated 16.11.2025 registered in Police Station Nabi Karim under Sections 376/354/506/509 of the Indian Penal Code, 1860, and Sections 64(1), 74, 79, 351(3) of the Bharatiya Nyaya Sanhita, 2023, has approached this Court, by way of the present writ petition under Article 226 of the Constitution, for the following reliefs:

“1. Pass an order thereby issuing appropriate writ of mandamus, an order or direction transferring the investigation of FIR No. 461/2025 dated 16.11.2025, registered at Police Station Nabi Karim, from Respondent No.3 to a senior, independent and impartial police officer not below the rank of Deputy Commissioner of Police, in order to secure fairness, neutrality and constitutional credibility of the investigative process;

2. Pass an order thereby issuing appropriate writ of mandamus,



thereby declaring that the investigation conducted thus far in FIR No. 461/2025 stands vitiated by violation of constitutional safeguards, and direct that all further investigation/ de novo investigation shall proceed strictly in accordance with law and in such manner as this Hon'ble Court may deem appropriate to secure constitutional compliance;

3. Pass an order thereby issuing a writ of mandamus, appropriate directions for initiation of departmental, disciplinary and administrative proceedings against Respondent No.3 and any other responsible officials, whose conduct, as reflected from the judicial record, prima facie discloses deliberate disregard of constitutional obligations and raises serious concerns regarding institutional integrity of the investigation;

4. Pass an order thereby issuing appropriate writ of mandamus, and order or direction restraining Respondent No.3 from exercising any manner of control, influence, supervision or participation, directly or indirectly, in the investigation of the present FIR, so as to preserve the integrity and independence of further investigation;

5. Pass an order thereby issuing writ of mandamus and directions for providing adequate, effective and continuous police protection to the Petitioner, keeping in view her status as a woman victim, her vulnerability, and the real and continuing apprehension to her dignity, safety and personal liberty;

6. Pass an order thereby recognising and enforcing the Petitioner's right to be informed of all material developments in the investigation, in furtherance of the principles of participatory justice, victim rights jurisprudence and constitutional fairness;

7. Pass an order thereby issuing appropriate directions for re-arrest of the accused strictly in accordance with law, after strict and scrupulous compliance with all constitutional, statutory and judicial mandates, including but not limited to Article 22(1) of the Constitution of India, so that the liberty of the accused is regulated by lawful procedure and not rendered immune by procedural manipulation or constitutional non-compliance;

8. Pass an order thereby issuing appropriate directions requiring the Investigating Agency to submit periodic and regular status reports regarding the progress of investigation before the concerned learned Magistrate, with due intimation to the Petitioner, so as to ensure transparency, accountability and effective judicial supervision of the investigative process;

9. Pass an order thereby issuing appropriate directions placing the investigation under supervisory judicial monitoring, either by this Hon'ble Court or through such supervisory mechanism as this Hon'ble Court may deem fit, so as to ensure continuous constitutional compliance at every stage of investigation;



10. *Pass such further and other order(s) as this Hon'ble Court may deem fit, proper and just in the facts and circumstances of the case, in order to secure effective, complete and meaningful enforcement of the Petitioner's fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India."*

2. In view of the fact that the charge sheet has been filed only on 16.01.2026, i.e. after filing of the present writ petition, Mr. Lakshay, learned counsel for the petitioner, submits that the petitioner will agitate her grievances before the jurisdictional Court in accordance with law. However, Mr. Lakshay seeks directions with regard to consideration of the prosecutrix's representation for a change of the Investigating Officer ["IO"], and protection from apprehension of danger to her person from the accused.

3. As far as these aspects are concerned, the petitioner has made a representation dated 12.01.2026 to the concerned Deputy Commissioner of Police, relying *inter alia* upon observations in an order of the Judicial Magistrate First Class dated 05.01.2026. Mr. Amol Sinha, learned Additional Standing Counsel, states that the petitioner's representation will be considered within one week from today. The petitioner will be informed of the decision, and may exercise to her legal remedies in accordance with law thereafter, if required.

4. As far as the protection to the petitioner is concerned, Mr. Sinha submits that the telephone number of the Station House Officer and Beat Constable in the area of her residence will be provided to her, so that she can contact them in the event of any exigency. Mr. Lakshay will provide the address of the petitioner to Mr. Sinha during the course of the day. Mr. Sinha also submits that, in the event the petitioner wishes to take



shelter in a safe house, she may request the SHO for the same, which will be considered in accordance with law.

5. No further orders are sought in the present writ petition.

6. The writ petition is disposed of in terms of the aforesaid directions, and without prejudice to the rights and contentions of the petitioner before the jurisdictional Court in accordance with law. As the accused is not a party to this petition, it is specifically observed that the rights and remedies of the accused remain expressly reserved.

7. It is made clear that this order is not to be construed as an observation on the merits of the matter.

PRATEEK JALAN, J

JANUARY 27, 2026

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