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

\# **CNR No. DLHC010483262026**

\+ **W.P.(CRL) 3165/2026**

MS.MEHNAZ .....Petitioner

Through: Mr. Raunak Satpathy and Mohd. Rashid, Advs.

versus

THE STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with Mr. Alok Sharma and Mr. Pavitra Dixit, Advs.

SI Suresh Kumar Meena, PS New Usmanpur

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 07.10.2026

1. This hearing has been done through hybrid mode.

2. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023(hereinafter referred to as 'BNSS'), seeking transfer of the investigation/enquiry in ***DD No. 122-A*** dated 08.09.2026, registered at P.S. New Usmanpur, Delhi, from the present Investigating Officer/Delhi Police to another independent and competent investigating agency/officer, in the interest of a fair, impartial and effective investigation.

3. Briefly stated, the case of the petitioner is that her brother passed away after allegedly receiving treatment from an unqualified/fake doctor running a

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clinic in the locality. ***DD No. 122-A*** dated 08.09.2026 was recorded at P.S. New Usmanpur in relation to the incident. The petitioner alleges that despite placing material regarding the credentials of the said doctor and the circumstances surrounding her brother's death, the local police have failed to take effective action or properly investigate the role of the said doctor, who is alleged to have been practising without the requisite licence/registration.

4. The petitioner further alleges police inaction, including permitting the said clinic to reopen, and apprehends that the investigation has been compromised owing to an alleged nexus between the accused and the local police. The petitioner's husband thereafter met the DCP/ACP, Seelampur on 26.09.2026 and apprised them of the matter; however, no effective action allegedly followed. Aggrieved by the alleged failure to conduct a fair and effective investigation, the petitioner seeks transfer of the investigation in DD No. 122-A from the present Investigating Officer/Delhi Police to a competent senior officer or an independent investigating agency.

Submissions on behalf of the Petitioner

5. Learned counsel for the petitioner submits that the doctor who treated the deceased was an unlicensed and unqualified person and that, despite the petitioner placing material before the local police to demonstrate that the said doctor was not duly registered, no FIR has been registered and no effective action has been taken.

6. Learned counsel for the petitioner further submits that the post-mortem report records the cause of death as hypertrophic cardiomyopathy, which, according to the petitioner, could have resulted from administration of the wrong medicine/injection by the said doctor. It is submitted that the role of the said doctor in the death of the petitioner's brother has not been properly

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investigated.

7. Learned counsel for the petitioner also submits that the said doctor has allegedly been practising without the requisite licence/registration for more than a decade. Despite the petitioner having furnished documents in support of her complaint, the local police have neither verified the doctor's registration nor taken effective steps against him and have merely stated that the doctor is not traceable. It is, therefore, submitted that the investigation/enquiry is not being conducted in a fair and effective manner and ought to be transferred to an independent agency/officer.

Submissions on behalf of the Respondent

8. Learned APP for the State submits that the complaint has already been forwarded to the Delhi Medical Council for verification of the registration and credentials of the concerned doctor and that the requisite verification report is still awaited.

9. Learned APP for the state further submits that the material and evidence placed by the petitioner are already part of the investigation and that necessary steps are being taken to verify the credentials of the concerned doctor. It is submitted that the matter is presently under verification and appropriate action would be taken upon receipt of the report from the Delhi Medical Council.

10. Learned APP for the state has also handed over the status report in Court, which is taken on record. It is borne out from the status report that proceedings under Section 194 of the BNSS are presently pending before the learned Trial Court in relation to the death of the petitioner's brother.

Findings and Analysis

11. This Court has considered the submissions advanced by learned counsel for the parties and has perused the material on record.

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12. It is noticed that the complaint is not lying unattended. The State has already forwarded the complaint to the Delhi Medical Council for verification of the registration and credentials of the concerned doctor, and the report is awaited. Further, proceedings under Section 194 of the BNSS are pending before the learned Trial Court and an application seeking supervision of the investigation has also been filed therein.

13. In these circumstances, the petitioner has an efficacious remedy before the learned Trial Court to raise her grievances regarding the investigation and seek appropriate directions. At this stage, there is insufficient material to warrant transfer of the investigation to another investigating agency/officer.

14. Accordingly, this Court finds no ground to interfere with the ongoing investigation. The present petition is dismissed.

15. Pending applications, if any, also stand disposed of.

16. The order be uploaded on the website forthwith.

MADHU JAIN, J

OCTOBER 7, 2026/b/yt

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