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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3239/2025

KAPOORI BAI

.....Petitioner

Through: Mr. Archit Krishna, Mr.
Indronil Choudhary, Mr.
Ashutosh Shukla, Advs.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing
Counsel with Mr. Abhinav
Kumar Arya, Mr. Aryan
Sachdeva, Advs. for State and
Insp. Ashu Girotra, PS Hari
Nagar.
Mr. Puneet Parihar, Ms. Shalini
Singh, Mr. Saurabh Rajpal,
Advs. for the State of Rajasthan

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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16.04.2026

1. This writ petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], praying for the following reliefs:

*“(i) Issue a writ of Habeas Corpus or any other writ/direction or order directing the Respondents to produce the Corpus who are the minor son and relative of the Petitioner before this Hon’ble Court;
(ii) Issue a writ of mandamus directing the Respondents to discontinue illegal detention/ arrest of the Petitioner’s son and relative.”*

2. The petition raised a grievance that the minor son of the petitioner, along with her minor relative (aged 15 years and 17 years at



the time of the incident), were illegally detained and arrested by the Rajasthan Police from Dusshera Park, near Bharti College, Janakpuri on 26.09.2025, without even informing the local police about the same, let alone taking other appropriate steps. The arrest was later belatedly shown to be made on 29.09.2025.

3. Notice of this petition was issued to the respondents on 29.09.2025.

4. In the order dated 01.10.2025, note was taken of the Status Report filed by the Rajasthan Police, however, not being satisfied with the same, this Court passed the following directions:

“7. Having given our thoughtful consideration to the respective submissions of the parties and on perusal of the Status Reports filed by the Delhi Police as also the Rajasthan Police, we are of the view that issues raised by the Petitioner, more particularly, with respect to inter-State arrest, illegal apprehension and detention need consideration.

8. Updated Status Report will be filed by the State of Rajasthan along with copy of the inquiry report, with advance copy to the learned counsel for the Petitioner and Mr. Sanjay Lao, Standing Counsel (Criminal), GNCTD.

9. Insp. Ashu Girotra, SHO, PS: Hari Nagar, Delhi, who is present in Court, is directed to place on record the CCTV footage in a pen drive along with still photographs from the relevant part of the footage, in a sealed cover, before this Court. The CCTV footage shall be preserved till further orders of the Court.

10. Needless to state it is open to the Petitioner/accused persons to take recourse to appropriate remedies available in law, before the competent jurisdictional Court, if so advised, and the pendency of this case will not come in their way.”

5. The State of Rajasthan has now filed a Status Report dated 14.04.2026, which, *inter-alia*, states that on account of procedural lapses, the Superintendent of Police, Ajmer, has ordered initiation of a



departmental inquiry against the delinquent officials, who are five in number and are currently posted at Police Line, Ajmer. They have also been served with charge-sheets under Rule 16/18 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958. An Inquiry Officer and the Defence Representatives have been appointed, and further proceedings in the inquiry are been undertaken, including summoning the concerned witnesses.

6. The learned counsel for the petitioner submits that though the preliminary inquiry had also found Shri Vikram Singh, Police Inspector and Station House Officer (SHO), Police Station, Pushkar, District Ajmer of having failed to issue appropriate instructions and supervision to the team prior to departure and during the proceedings, thereby demonstrating supervisory negligence, indifference towards official duties and dereliction of responsibility, no departmental action has been taken against him.

7. He further submits that the above inquiry is merely an eye-wash and has been undertaken only because this Court was seized of the matter.

8. He submits that once it is admitted that the son and the relative of the petitioner were illegally detained, in view of the judgment of this Court in ***Sandeep Kumar v. State (Govt. of NCT of Delhi) and Others***, 2019 SCC OnLine Del 11901, compensation deserves to be awarded in favour of the detainees and against the State of Rajasthan.

9. On the other hand, the learned counsel appearing for the State of Rajasthan submits that for allegations pertaining to dereliction of duty and non-compliance of the proper procedure, a departmental



action has already been initiated against the delinquent officers which will be brought to its logical conclusion. He assures the Court that there shall be no lapse in the same.

10. On the claim of compensation, he submits that this being a writ of Habeas Corpus, no such claim is sustainable in the facts of the case.

11. We have considered the submissions made by the learned counsels for the parties.

12. As far as the detenues are concerned, they have since been released on bail, pursuant to an order dated 12.11.2025 passed by the Rajasthan High Court.

13. As is evident from the Status Report filed by the State of Rajasthan, departmental action has also been initiated against the delinquent officers.

14. In our view, therefore, no further orders/directions are required to be passed in the present petition. We would only expect the State of Rajasthan to carry on with the departmental action expeditiously and in accordance with law.

15. As far as claim of the petitioner for compensation is concerned, we leave it open to the petitioner/detenues to initiate appropriate legal proceedings for the same, in accordance with law.

16. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 16, 2026/gs/sk/Yg