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

+ W.P.(CRL) 914/2022 , CRL.M.A. 7715/2022,

CRL.M.A. 7716/2022

MS. X

..... Petitioner

Through: Ms. Geeta Luthra, Sr. Adv. with Mr.
Ilam Paridi, Ms. Shradha Agrawal,
Ms. Apoorva Maheshwari, Advs.

versus

STATE NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Karan Dhalla for Mr. Avi Singh,
APP for State.
Mr. Anupam S. Sharma, SPP (CBI)
with Mr. Prakash Aizan, Mr. Harpreet
Kalsi, Advs.
SI Aparna, PS Hari Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

26.04.2022

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1. This is a petition seeking the following reliefs:

A. *“Issue a writ of mandamus, direction or any other like order to transfer the investigation in FIR No. 309/2022 registered at Hari Nagar P.S., Delhi to the Respondent No. 3 or any other neutral and independent investigation agency and direct them to take over the investigation in the said matter.*

B. *Examine the case record and set aside the biased investigation conducted/and or reports prepared in the FIR No. 309/2022 registered at Hari Nagar P.S.*

C. *Issue a writ of mandamus, direction or any other like order and direct the Respondent No. 3 or any other neutral and*

independent investigation agency to investigate into the larger conspiracy of trapping and sexual assault of various innocent woman by main accused Mr. Amit Saxena.

D. Issue a writ of mandamus, direction or any other like order to initiate inquiry against the erring police officials of the concerned police station u/s 166A (c) of the Indian Penal Code, 1860 for failure to record the FIR

E. Pass any other order as it may deem fit and proper in the facts and circumstances of the case, and in the interest of justice.”

2. It is submitted by the petitioner that despite the clear allegations by the petitioner, the main accused has not even been named in the FIR. The petitioner further submits that Police Station, Hari Nagar is in violation of Standard Operating Procedure bearing circular No. F. No. 15011/190/2020–SC/ST-W dated 09.10.2020, where there is a solemn responsibility of the Police to:

“Compulsory registration of FIR in case of cognizable offence under subsection (1) of section 154 of the Code of Criminal Procedure, 1973 (CrPC). The law also enables the police to register FIR or a "Zero FIR" (in case the crime is committed outside the jurisdiction of police station) in the event of receipt of information on commission of a cognizable offence, which includes cases of sexual assault on women.”

(emphasis supplied)

3. Issue notice. Mr. Karan Dhalla, learned counsel accepts notice, seeks and is granted 1 week to file detailed status report indicating the action taken on the complaint of the petitioner, as to whether the CCTV footage has been seized and further any steps have been taken on the basis of the complaint. The status report will also indicate as to how a self proclaimed priest can be permitted to sit at a temple and also the CCTV footage of mandir dated 14.01.2022 and 27.03.2022 and P.S. Hari Nagar dated 27.03.2022 shall be

produced.

CRL.M.A. 7714/2022

4. This is an application seeking direction to P.S. Hari Nagar to collect, safeguard and produce the contents of the CCTV footage of Maa Santoshi Mata Mandir dated of 14.01.2022 & 27.03.2022 and P.S. Hari Nagar of 27.03.2022.
5. For the reasons stated above, it is directed that the SHO, P.S. Hari Nagar shall collect, safeguard and produce CCTV of Maa Santoshi Mata Mandir of 14.01.2022, 27.03.2022 and P.S. Hari Nagar of 27.03.2022.
6. For the security of the petitioner, who alleges fear and threat to her life, it is directed that the SHO Hari Nagar shall provide mobile number of the beat constable and to ensure that as and when a complaint is received from the petitioner, the same shall be immediately attended to.
7. List on 20.05.2022.

JASMEET SINGH, J

APRIL 26, 2022/dm

Click here to check corrigendum, if any