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

Reserved on: 17.09.2025
Date of Decision: 26.09.2025

+ **W.P.(CRL) 493/2025**

NEELAM RAWAT

.....Petitioner

Through: **Mr. Ranjeet Singh, Adv.**

versus

THE STATE OF NCT

.....Respondent

Through: **Ms. Rupali Bandhopadhyaya,**
ASC for State with Mr. Abhijeet Kumar and
Ms. Amisha Gupta, Advs.
SI Pradeep Kumar, PS Aman Vihar

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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CRL.M.A. 6064/2025

1. The brief facts that led to the filing of the instant application are that the petitioner Neelam Rawat's husband (Late Shri Sandeep Singh Rawat) was found injured on 21.11.2023 (near Mansa Chowk, Bhiwadi, Rajasthan) and subsequently treated in Delhi (initially at DDU Hospital, then at Safdarjung Hospital).

2. He succumbed to his injuries on 26.11.2023 and a post-mortem was conducted on 27.11.2023. According to the petitioner, her husband had been brought into Delhi by persons who threatened her not to pursue any formalities such as MLC/FIR and falsely claimed he



had slipped and fallen. The petitioner first attempted to lodge a complaint with Hari Nagar Police (Delhi) but alleges that it was refused following which she sent a written complaint dated 16.01.2024 to higher authorities by email/speed post. On 19.02.2024 she filed an application under Section 156(3) of the Code of Criminal Procedure, 1973¹(Ct. Case No.416/2024) before the learned Metropolitan Magistrate, Tis Hazari Courts, seeking registration of an FIR. That application remained pending, with a police status report dated 30.05.2024 on record.

3. The petitioner filed the captioned writ petition before this Court on 07.02.2025 under Articles 226/227 of the Constitution, seeking mandamus to register an FIR in connection with her husband's death.

4. On 12.02.2025, the Predecessor Bench of this Court disposed the petition by directing PS Aman Vihar (Delhi) to register an FIR within 24 hours and investigate according to law. Further, the previously filed application under Section 156(3) of the CrPC, in the trial court, was also disposed of by the said order.

5. Pursuant to that order, Aman Vihar Police registered "Zero FIR" No.1/2025 on 13.02.2025 under Section 304 of the Indian Penal Code, 1860, and transferred the case to Phool Bagh - Police Station, Bhiwadi (Rajasthan), i.e., the locality where the deceased is alleged to have been found injured.

6. The petitioner states that she received a copy of this FIR only on 21.02.2025 and upon her review, she discovered that the FIR had been lodged as a *zero* FIR and sent to Bhiwadi rather than being investigated by Delhi Police.

¹ Hereinafter "CrPC"



7. Believing this to violate this Court's directive, the petitioner has filed the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023², praying directions to the respondent to comply with the order dated 12.02.2025 as well as seek an explanation as regards to the non-compliance of the said order.

8. This Court had ordered that the respondent file a status report. Accordingly, on 28.02.2025, a detailed status report was filed with supporting documents (post-mortem report, discharge summaries from Nirmala Hospital Rewari, GD entries, correspondence, etc.).

Submissions on behalf of the petitioner

9. Learned counsel appearing on behalf of the petitioner has contended that the directions issued by this Court *vide* order dated 12.02.2025 have not been duly complied with by the police authorities. It is urged that this Court had categorically directed that an FIR be registered at PS Aman Vihar, Delhi, within twenty-four hours, and that the investigation be conducted in accordance with law. However, instead of adhering to the mandate of the Court, the police registered a Zero FIR No. 01/2025 under Section 304 of the IPC on 13.02.2025 and transferred the same to PS Bhiwadi, Rajasthan. According to the petitioner, such transfer was wholly unwarranted, *mala fide*, and aimed at derailing the investigation as well as protecting the accused persons.

10. It is further the submission of the petitioner that the entire chain of events, commencing from the admission of the deceased to DDU Hospital, his subsequent referral and treatment at Safdarjung Hospital, and his demise therein, occurred within Delhi. The MLC, post-mortem

² Hereinafter "BNSS"



examination, and other crucial records are all within the jurisdiction of Delhi. The petitioner has pointed out that her complaint dated 16.01.2024, naming specific individuals suspected to be responsible for her husband's unnatural death, was deliberately not acted upon and was registration of an FIR was avoided by shifting responsibility to Rajasthan Police.

11. The petitioner further asserts that the very purpose of the concept of Zero FIR has been frustrated. In the present case, instead of taking prompt action in Delhi, the police avoided registering a regular FIR, thereby enabling destruction of crucial evidence such as call detail records, CCTV footage, blood-stained clothes, and other material connected with the offence. This conduct, it is submitted, amounts not only to violation of the Court's directions but also to breach of the constitutional rights of the petitioner.

12. The petitioner has also submitted that the police version that the deceased was found injured at Bhiwadi is based solely on statements allegedly obtained from Mahinder Singh and Udham Singh, both of whom are suspects in the petitioner's complaint. No credible investigation has been conducted to corroborate such statements. The petitioner alleges collusion between the investigating agency and the accused, particularly since one of the suspects is a practicing advocate and his wife is also a member of the Bar. Thus, the petitioner prays that this Court may pass directions to enforce its earlier order dated 12.02.2025 by directing registration of a regular FIR at Delhi and ensuring an investigation by the Delhi Police, without transferring the matter to Rajasthan Police.



Submissions on behalf of the State

13. On behalf of the State, learned ASC submits that the directions issued by this Court have been duly complied with. It is submitted that in pursuance of the order dated 12.02.2025, Zero FIR No. 01/2025 was registered on 13.02.2025 at PS Aman Vihar, Delhi, under Section 304 of the IPC. However, upon examination of the facts and statements recorded during preliminary inquiry, it became apparent that the incident had occurred within the jurisdiction of PS Bhiwadi, Rajasthan. Specifically, it is pointed out that statements of Mahinder Singh and Udham Singh disclosed that the deceased was found in an injured condition near Mansa Chowk, Bhiwadi. Accordingly, the case was transferred as a Zero FIR to PS Bhiwadi, which, according to the State, was the competent police station to investigate the matter.

14. Further, Delhi Police had acted in a *bona fide* manner from the very beginning. It is explained that upon admission of the deceased at DDU Hospital on 22.11.2023, the police made the necessary DD entry and initiated inquiry. In this process, it emerged that the deceased had initially been admitted at Nirmala Multispecialty Hospital, Rewari, Haryana, on 21.11.2023 with injuries allegedly suffered in Bhiwadi. On 23.11.2023, information was duly shared with PS Bhiwadi, and on 26.11.2023, when the deceased succumbed to his injuries at Safdarjung Hospital, officers of both Delhi Police and Rajasthan Police were present during the post-mortem examination.

15. The State relies on the standing instructions and advisories of the Ministry of Home Affairs, which mandate that in cases where information discloses commission of a cognizable offence beyond the territorial jurisdiction of a police station, a Zero FIR is to be registered



and thereafter transferred to the appropriate police station. In this context, it is submitted that the registration of FIR at PS Aman Vihar and its transfer to PS Bhiwadi was in complete conformity with the legal procedure.

16. The State has further argued that the allegation of *mala fides* is without basis. The police have acted under law, and all relevant documents, including the post-mortem report and hospital records, have been duly collected and placed before this Court. The State contends that the petitioner's grievance is misplaced, as the order of this Court has been substantially complied with, and the investigation is continuing in the proper jurisdiction. Thus, it is prayed that no further directions are warranted, and the application filed by the petitioner seeking enforcement of the order dated 12.02.2025 deserves to be dismissed.

Analysis and Conclusion

17. The present application has been preferred by the petitioner invoking Section 528 of the BNSS, *inter alia*, alleging non-compliance of this Court's order dated 12.02.2025 whereby the writ petition stood disposed of with a direction to the jurisdictional police station, namely PS Aman Vihar, Delhi, to register an FIR within twenty-four hours and proceed with the investigation in accordance with law.

18. Having heard learned counsel for the parties and upon perusal of the record, this Court finds no merit in the plea of non-compliance. The operative direction in the order dated 12.02.2025 was to the effect that an FIR be registered within twenty-four hours and that investigation proceed in accordance with law.



19. The record reflects that such FIR was indeed registered on 13.02.2025 at PS Aman Vihar. The subsequent transfer of the FIR to PS Bhiwadi was undertaken in pursuance of the well-settled legal principles relating to Zero FIR and territorial jurisdiction cannot be construed as defiance of this Court's order under the garb of the instant application.

20. The grievance of the petitioner, at best, is not one of non-compliance but of dissatisfaction with the manner in which the FIR has been dealt with, namely its registration as a Zero FIR and transfer to the Rajasthan Police. Such grievance constitutes a fresh cause of action distinct from the reliefs already adjudicated in the writ petition.

21. This Court is not unmindful of the agony of the petitioner, a widow who has been pursuing her grievance with diligence and who has alleged collusion and delay on the part of the investigating agency.

22. The Court is sympathetic to her plight and does not discount the distress and frustration that may have been caused by the manner in which the matter has unfolded. However, in terms of the procedural jurisprudence under the criminal laws, the Court has to follow the process established by law. There cannot be any departure from the settled framework, for adherence to due process is itself the safeguard against arbitrariness. Sympathy by itself cannot justify deviation from statutory procedure.

23. If the petitioner is aggrieved by the subsequent course of investigation, including the question whether investigation ought to proceed in Delhi rather than in Bhiwadi, it is open to her to avail such remedies as may be permissible in law before the appropriate forum. However, this Court, in exercise of its limited jurisdiction on an



application alleging non-compliance, cannot re-open the concluded proceedings or extend the scope of its earlier order.

24. It requires emphasis that the scope of the present application is confined strictly to examining whether there has been compliance with the order dated 12.02.2025. Once it is evident from the record that an FIR was in fact registered on 13.02.2025, the requirement of compliance stands satisfied. The petitioner's dissatisfaction with the subsequent step of transferring the FIR to PS Bhiwadi is not an issue of compliance but of jurisdiction of investigation. This issue was neither adjudicated in the writ petition, nor was it the subject matter of the order dated 12.02.2025.

25. The settled position of law is that once a writ petition is disposed of, any grievance arising thereafter must be pursued as an independent cause of action under the appropriate legal framework. The inherent limits of an application alleging non-compliance do not permit reopening or enlarging the scope of the earlier petition, lest the judicial process become unending and uncertain.

26. The jurisdiction of this Court under such an application is supervisory in nature, limited to verifying compliance on the face of the record, not to review, modify or supplement its prior order.

27. Accordingly, the petitioner's contention that the transfer of the Zero FIR constitutes disobedience cannot be accepted in the present application. While the petitioner may well be aggrieved by such transfer, that grievance is of a distinct character and requires adjudication by way of a fresh petition.

28. In view of the foregoing discussions on facts and laws, the instant application is dismissed.



29. It is clarified that dismissal of the present application shall not preclude the petitioner from asserting her rights and remedies in accordance with the law. The petitioner shall have the liberty to approach the court of competent jurisdiction, as advised, to ventilate her grievance with regard to the registration of Zero FIR and the transfer of investigation to the Rajasthan Police. Any such grievance, being a fresh cause of action, shall be adjudicated upon independently and on its own merits. It is made clear that this Court has not commented upon the merits of the petitioner's case in the instant application.

AJAY DIGPAUL, J.

SEPTEMBER 26, 2025
gs/ryp