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

+ **W.P.(CRL) 3502/2023**

**RESHMA**

..... Petitioner

Through: **Mr. M. Sufian Siddiqui, Mr. Rakesh Bhugra, Mr. Kumar Satish Shah and Ms. Alya Veronica, Advocates**

versus

**THE COMMISSIONER OF POLICE**

..... Respondent

Through: **Mr. Abhijeet Kumar, Advocate Ms. Rupali Bandhopadhyaya, ASC for the State with Mr. Abhijeet, Advocate alongwith Insp. Balmukund Rai, SI Harish Kumar, PS Chandni Mahal**

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

**30.11.2023**

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**CRL.M.A. 32586/2023 (for exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner, vide the present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, seeks the following reliefs :-

*a. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to forthwith*

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*conduct an in-depth inquiry/investigation in a fair, impartial and time-bound manner under the direct supervision of DCP Vigilance or a Police Official of a Higher Rank, into the Petitioner's Complaint dated: 11.11.2023 and the communications sent subsequent thereto, apropos the reprehensible incident that occurred during the intervening night of 05-06th November 2023 at around 03:00 AM involving serious high handed, illegal and contemptuous acts perpetrated by several delinquent police officials of (Central-District) particularly of P.S. Chandni Mahal inter-alia including criminal trespass, illegal house search, forcibly taking the petitioner, who is a 'Purdahnashin Muslim Women' from her residence without her Purdah/Veil and parading her to the Police Station, illegally detaining her at P.S. Chandni Mahal, subjecting her to inhuman and degrading treatment including physical assault, violating her dignity, during the night in flagrant violation of Section 46(4) & 60(A) Cr.P.C, thereby causing brazen infraction of her Fundamental Rights as Guaranteed under Article 21 of the Constitution as well as International Human Rights as Guaranteed under Article 3, 5 & 7 of the United Nations 'Universal Declaration of Human Rights' (UDHR); And*

*b. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to take apposite stringent legal action against the concerned delinquent police officials of (Central-District) particularly of P.S. Chandni Mahal for their ex-facie concerted, premeditated, illegal, contemptuous and iniquitous acts of transgression thereby infringing, instead of protecting the Fundamental Rights of the Petitioner as Guaranteed under Article 21 of the Constitution, notwithstanding their express knowledge about the consequences likely to follow; And*

*c. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to adequately compensate the petitioner for the ex-facie egregious acts of his subordinate police officers culpable of violating, instead of safeguarding, the Fundamental Rights of the petitioner, as Guaranteed under Article 21 of the Constitution, in terms of the Hon'ble Supreme Court's concurring judgment authored by Justice A.S. Anand passed in the case of 'Nilabati Behera v. State of Orissa & Others' reported as [(1993) 2 SCC 746]; And*

*d. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to forthwith*

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*secure and place on record the CCTV footage of all the Cameras installed inside and around Police Station Chandni Mahal (Central-District) from 01:00 AM to 05:00 PM dated: 06.11.2023, on an exigent basis, in terms of the Hon'ble Supreme Court's judgment dated: 02.12.2020 passed in the case of "Paramvir Singh Saini vs Baljit Singh & Others" Special Leave Petition (Criminal) No.3543/2020. And;*

*e. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to forthwith secure and place on record the CCTV footage of all the Cameras installed by the GNCTD and/or private residents near the petitioner's residence leading to the Police Station- Chandni Mahal (Central-District) from 01:00 AM to 06:00 AM dated: 06.11.2023, on an exigent basis, which is ephemeral in nature, and if not secured immediately, may lead to the destruction of vital evidence in petitioner's quest for justice; And;*

*f. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to sensitize the Delhi Police apropos the sacrosanct religious, social customs and practices observed by all the women who observe Purdah either as a religious belief or as a part of their personal choice belonging to any religion, which are Guaranteed under Article 21 of the Constitution as their Fundamental Rights.*

4. Issue notice.

5. The respondent is directed to preserve the CCTV footage of all the cameras installed inside and around PS.: Chandni Mahal, Central-District, Delhi for the time period from 01:00 AM to 05:00 PM on 06.11.2023 as well as the CCTV footage of all the cameras installed by the GNCTD and/or private residents near the petitioner's residence leading towards the direction of the PS.: Chandni Mahal, Central-District, Delhi for the time period from 01:00 AM to 06:00 AM on 06.11.2023.

6. Learned ASC for the State accepts notice. She seeks, and is granted, four weeks to file the Status Report entailing the action taken upon the  
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complaints dated 11.11.2023 and 16.11.2023 of the petitioner herein.

7. List on 30.01.2024.

**SAURABH BANERJEE, J**

**NOVEMBER 30, 2023/rr**

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