

IN THE HON'BLE HIGH COURT OF DELHI  
New Delhi

W.P. (CrI.) 001 of 2019

(clubbed with)

W.P. (CrI.) 005 of 2019

W.P. (CrI.) 006 of 2019

Date: 22.09.2019

**In the matter of:**

Rajesh & Ors.

.....Petitioners

v.

State (N.C.T. Of Delhi)

.....Respondent

**Coram: Hon'ble Mr. Justice Rupesh Singh  
Hon'ble Ms. Justice Momita Sen**

Present: Ms. Rishika Mahajan, Ld. AGA for the State.

Mr. Nishant Nain, Ld. Counsel for the petitioners.

Heard the Ld. Counsel for the petitioners Mr. Nishant Nain and Ld. Additional Government Advocate Ms. Rishika Mahajan appearing on the behalf of the State.

This writ petition has been filed with the prayer to issue a writ in the nature of certiorari to quash the impugned F.I.R. vide 117/19 registered u/s 304B/498A/306 IPC, 1860 at PS Adarsh Nagar, District North Delhi. 14 days police remand has been granted to the police.

Ld. Counsel for the petitioners submits that the police could not gather any substantial evidence and police remand should not be granted for 14 days in such a case reliance are placed on Delhi High Court rule book and the Gujrat High Court judgement *Jayrajsinh Temubha Jadeja v. State of Gujarat*,

(2002) 1 GLR 215 where the court has held that only extreme necessity remand should be granted to the police.

*In contra* the Ld. AG appearing on behalf of the state submits that police investigation is continuing and police has gathered some material evidences and recorded the statement of witnesses that leads to the involvement of accused for the demand of dowry and cruelty against the victim the marriage was performed on 20/11/2017. The incident happened within the 7 years of marriage that makes a ground of dowry death and cruelty.

Having heard the submission advanced by the Ld. Counsel of the parties and perused the first information report lodged by the police, we are inclined not to issue any writ in the nature of *certiorari* to quash the order of Ld. Session Judge. However counsel for the petitioners is granted a liberty to file a fresh bail application or review against the remand granted to the police and the same should be heard and decided as early as possible by the trial court.

However considering the facts and circumstances of the case this court dismisses the writ petition with no cost to party.



(Rajesh Singh, J.)  
(Moumita Sen, J.)

High court of Delhi  
New Delhi: 22.09.2019