

Sushma Devi and ors. Vs. Rajinder Kumar and ors.

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SooperKanoon Citation : sooperkanoon.com/681100

Court : Delhi

Decided On : Jan-24-2002

Reported in : 2002IIIAD(Delhi)432; 2002CriLJ2381

Judge : B.A. Khan and; V.S. Aggarwal, JJ.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 34, 201, 302 and 365

Appeal No. : Criminal Writ Petition No. 1015/2001

Appellant : Sushma Devi and ors.

Respondent : Rajinder Kumar and ors.

Advocate for Def. : D.K. Singh and ; Akshay Bipin, Adv.

Advocate for Pet/Ap. : L.R. Rehalia, Adv

Disposition : Petition dismissed

Judgement :

Khan, J.

1. Petitioner is the wife of one Dilbag Singh who was working with respondents 1 & 2 and was on board Truck No. HR 56 1536 from Delhi to Agra on 25.1.2001 when he was reported missing. She says her brother-in-law (petitioner No. 4) had lodged a complaint with SHO P.S. Vasant Kunj alleging kidnapping and murder of her

husband by respondent 1 & 2 with whom he was employed on Rs. 1,000/- per month but no action was taken in the matter. She wants CBI to locate her husband, to investigate into the matter and to prosecute respondents 1 & 2 and a compensation of Rs. 50 lacs.

2. Status report filed by official respondents shows that one Amit Kumar, s/o respondent No. 1 had also filed a complaint in this regard and no inquiry it was found that P.S. Gursarai (U.P.) had recovered the vehicle which was later released to the owner. Pursuant thereto Petitioner No. 4 (complainant) was also advised to lodge a report there. The counter filed by these Respondents later, however, states that subsequently FIR No. 440/2001 was registered in the matter and it was found on investigation that truck driver Rajesh Kumar @ Gutka had committed Dilbag Singh's murder along with one Ram Khiladi and had thrown his body in the fields at Village Saidalpur. One blanket of the deceased was also recovered from his house and the body was cremated as unclaimed by P.S. Sirsa Ganj. Petitioners were also called to identify the body. Accused Rajesh Kumar was arrested but Ram Khiladi was still at large. Thereafter, challan was also presented in the case under Sections 365/302/201/34 IPC on 8.1.2001 which was pending before the competent criminal court.

3. In this view of the matter, reliefs prayed for by petitioners are not liable to be granted.

4. Petition is accordingly dismissed.