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

+ **W.P. (CRL) 3239/2025**

KAPOORI BAI

.....Petitioner

Through: Mr. Archit Krishna, Mr. Maheshwari
Mawase and Mr. Himanshu Kunjam, Advocates.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Ms. Priyam Aggarwal, Advocate for
Mr. Sanjay Lao, Standing Counsel (Crl.), GNCTD.
Mr. Saurabh Rajpal and Ms. Shalini Singh,
Advocates for State of Rajasthan.

Ms. Vandita Rana, IPS, SP, Ajmer with Insp.
Vikram Singh Rathore, PS: Pushkar, Rajasthan
(through VC).

Insp. Ashu Girotra, SHO, PS: Hari Nagar.

Insp. Dinesh Kumar, PS: Janak Puri.

Mr. Ramchandra, RPS, CO Rural Ajmer.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

01.10.2025

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1. Learned counsels appearing for the State of Rajasthan have handed over the Status Report, which is taken on record. Copy of the report is handed over to learned counsel for the Petitioner.

2. Status Report contains the narrative of initial investigation and arrest of S and R. It is stated that S and R were arrested on 29.09.2025 and arrest memo was prepared, as also that factum of their arrest was duly communicated to their respective family members. Following the arrest,



medical examination of S and R was immediately conducted. As per the report, S and R were produced before the concerned Magistrate on 30.09.2025 within the statutory period prescribed in law and the Magistrate has remanded them to judicial custody. Allegations of trespass and theft have been levied against S and R in the FIR.

3. As for the age determination, in light of the stand of the Petitioner in the petition that S and R are aged 15 and 17 years respectively, it is stated in the report that a Medical Board was constituted at Government JLN Hospital, Ajmer and the medical report confirmed that the accused persons are more than 19 years of age. Significantly, it is brought forth in the report that there were procedural lapses during investigation by the police officials, for which an inquiry has been initiated by the Rajasthan Police Department against the erring officials. Copy of order dated 30.09.2025 initiating the inquiry and calling for a report has been appended to the Status Report.

4. Ms. Vandita Rana, SP, Ajmer, Rajasthan, has joined the Court proceedings through video conferencing and submits that inquiry has been initiated against the erring officials and the report shall be rendered on or before 08.10.2025. She assures the Court that the matter will be handled with responsibility and sensitivity, considering the background of the case.

5. Learned counsel for the Petitioner submits that the Status Report is silent on the illegal custody and detention of S and R for over 96 hours as also on the violation of the guidelines relating to *inter-State* arrest elucidated by the Division Bench in this Court in ***Sandeep Kumar v. State (Govt. of NCT of Delhi) and Others, 2019 SCC OnLine Del 11901*** and Article 22(2) of the Constitution of India. He also submits that medical examination to determine and verify the ages of S and R has not been done as per required



procedure and medical jurisprudence and documents annexed to the report in this regard indicate the shoddy manner and the haste in which the examination has been carried out by merely taking X-Rays.

6. Learned counsel for the Petitioner prays for a direction to the local police for retrieving and preserving the CCTV footage of the concerned area in Delhi from where S and R were apprehended. It is submitted that the accused persons will pursue appropriate remedies before the competent jurisdictional Court in State of Rajasthan and therefore, a clarification be given that pendency of this writ petition will not come in their way.

7. Having given our thoughtful consideration to the respective submissions of the parties and on perusal of the Status Reports filed by the Delhi Police as also the Rajasthan Police, we are of the view that issues raised by the Petitioner, more particularly, with respect to *inter-State* arrest, illegal apprehension and detention need consideration.

8. Updated Status Report will be filed by the State of Rajasthan along with copy of the inquiry report, with advance copy to the learned counsel for the Petitioner and Mr. Sanjay Lao, Standing Counsel (Criminal), GNCTD.

9. Insp. Ashu Girotra, SHO, PS: Hari Nagar, Delhi, who is present in Court, is directed to place on record the CCTV footage in a pen drive along with still photographs from the relevant part of the footage, in a sealed cover, before this Court. The CCTV footage shall be preserved till further orders of the Court.

10. Needless to state it is open to the Petitioner/accused persons to take recourse to appropriate remedies available in law, before the competent jurisdictional Court, if so advised, and the pendency of this case will not come in their way.



11. List before the Roster Bench on 08.10.2025.

JYOTI SINGH, J

ANISH DAYAL, J

OCTOBER 01, 2025/Ch