



2026:DHC:5622



\$~87

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

%

Date of Decision: 14.07.2026

+

W.P.(CRL) 2027/2026 & CRL.M.A. 20257/2026

GAURAV JAIN

.....Petitioner

Through: Petitioner (through video conferencing).

versus

STATE

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC
(through video conferencing).**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The petitioner, who is a practicing advocate has filed this petition seeking following relief:

*“a) Issue an appropriate writ or order directing the Respondent to undertake a proper, effective & time-bound investigation in e-FIR No. 80055081/ 2026, and place periodic Status Reports before this Court regarding the progress of investigation, till such time as this Court deems fit;
b) Pass such other orders as this Court may deem fit.”*

2. At the outset, it was pointed out to the petitioner that the present petition appears to be not maintainable in view of the admitted position that he has already filed an application under Section 175(3) BNSS before the Court of the concerned magistrate and that application is pending as on date.



4. It is contended by petitioner that there is no legislative pronouncement that availability of alternate remedy bars maintainability of a writ petition. It is submitted by the petitioner that the IO has to be directed to seize the CCTV footage as sought in the interim application filed with the present petition. The petitioner does not deny that the matter is already pending before the magisterial court, but he contends that the High Court is not



2026:DHC:5622



powerless to interfere even at this stage.

5. So far as the legal position is concerned, it is a rule of prudence that in case of availability of an alternate efficacious remedy, writ jurisdiction would not be invoked by the High Court. But in the present case, the petitioner has already taken recourse to the said alternate remedy and the learned magisterial court is already seized of the matter. As mentioned above, application of the petitioner under Section 175(3) BNSS is already pending before the learned magistrate.

6. Since there is a specific provision of law that contemplates monitoring of investigation by the magisterial court, which provision of law has already been invoked by the petitioner, it would not be appropriate for this High Court to overstep into the jurisdiction of the magisterial court. It is for the magisterial court to pass appropriate orders as regards the monitoring of the investigation sought by the petitioner.

7. The present petition is not just devoid of merit, but is completely frivolous, so dismissed with costs of Rs.10,000/- to be deposited by the petitioner with DHCLSC within one week. The accompanying application also is dismissed.

GIRISH

KATHPALIA

**GIRISH KATHPALIA
(JUDGE)**

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d889927a77026657f6e45569
af3962c6f94835d43597626caca, ou=HIGH
COURT OF DELHI, cn=GIRISH KATHPALIA
PostalCode=110003, st=Delhi,
serialNumber=c3e86796451ec45c07b5d1557099
0b4c080c8d7ee60402c4b7965f801e26fa,
cn=GIRISH KATHPALIA
Date: 2026.07.14 16:46:08 +05'30'

JULY 14, 2026/ry

W.P.(CRL) 2027/2026

Page 3 of 3 pages