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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1395/2010**

SONU MALIK Petitioner
Through Mr. Sheikh Israr Ahmad, Adv.
versus
STATE NCT OF DELHI & ORS. Respondents
Through Mr. Vikas Pahwa, ASC with
Mr. Vaibhav Sharma, Adv. for
Mr. Ranjit Kapoor, ASC for State.
Head Constable Rohtash Kumar.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **07.10.2010**

1. I have heard the counsel for the petitioner and the learned
Additional Standing Counsel for the State.

2. The petitioner has prayed for following reliefs:-

- "a) Institute a vigilance inquiry against the H.C. Rohtas Kumar & Romil Banniya ACP Geeta Colony.
- b) Transfer the case of all six FIR's to the CBI/Crime Branch/SIT or any other investigating agency for fair and correct investigation under the supervision of a senior officer.
- c) No coercive action may kindly be not taken against the petitioner in all the above mentioned FIR's.
- d) Protect the petitioner from the ill actions of the erring police officers.

Any further order or direction may also be passed as this Hon'ble Court deems fit and proper in the circumstances of this case."

3. The allegation made by the petitioner is that the Head Constable Rohtas with Mr. Romil Banniya, ACP, Geeta Colony due to personal vendetta have been harassing him illegally by raiding his premises in Delhi and outside Delhi. It is alleged that the petitioner has been forced to shut down his office and business. It is stated that the petitioner is a man of means having large number of properties and the allegations against the petitioner per se are false and have no basis as no person having so much wealth will indulge in petty crimes like chain snatching etc.

4. Learned Additional Standing Counsel has submitted that 21 complaints have been received from East Delhi, wherein persons have been duped and virtually hypnotized to part away with their ornaments and jewellery items. It is stated that on the basis of these 21 complaints, 7 FIRs have been registered. The *modus operandi* adopted in these complaints is the same. It is stated that victims have stated that two unknown boys on a scooter or otherwise used to stop well off senior citizens, who were wearing gold jewellery. These two boys would shower respect, obeisance and talk to the victims with reverence. They used to ask the victims to give them their blessings but would make the victims part with their jewellery or

other articles.

5. Learned Additional Standing Counsel has shown me copy of the 7 FIRs.

6. It is stated on the basis of the complaints received, a trap was laid and on 23rd July, 2010 one person was spotted on the scooter No.DL-4SAY-8367 and on pointing out of the complainant, Ram Gopal son of Kalu Ram was arrested. It is alleged that on interrogation, Ram Gopal disclosed the name of the petitioner as his associate and the main accused behind the said cases. It is alleged that on the basis of the disclosure made by Ram Gopal recoveries have been effected from his house at Meet Nagar. Ram Gopal has stated that the mobile telephone number of the petitioner is 9910685340, but this telephone connection was taken on identification papers in his name. It is the case of the prosecution that outside the business premises of the petitioner on the bill board, the aforesaid mobile number 9810685340 is mentioned. Learned Standing Counsel has shown me photographs of the iron shutter and the sign board of the shop of the petitioner with the said telephone number. Police has obtained records from the service provider to establish that this telephone number 9910685340 was within the vicinity/area of crime when the alleged

offences were committed. It is stated that Ram Gopal and the petitioner were in constant touch with each other and this fact is proved and established from the telephone details, which have been obtained from the service provider. The data has been shown to me.

7. The petitioner does not dispute and deny that he knows Ram Gopal. In the writ petition itself it is mentioned that Ram Gopal is distantly known to the petitioner. It is also stated that six FIRs pertaining to snatching of articles and impersonating on the road side and taking away gold ring and gold chains, have been planted on Ram Gopal.

8. Learned counsel for the petitioner has produced before me certified copies of two orders passed by the Metropolitan Magistrate in FIR Nos.146/2010 and 315/2010. In these FIRs, Ram Gopal has been released unconditionally. Order passed in FIR No.146/2010 records that no recovery of the case property has been made and the complainant in the said case had refused to participate in the TIP and, therefore, the prosecution does not have any incriminating material. In FIR No.315/2010 Ram Gopal was released as the Investigating Officer had submitted that in spite of disclosure statement, no recovery could be affected.

9. Learned Additional Standing, however, points out that in five other

cases TIP was conducted. In two cases the complainants have identified Ram Gopal and in three cases Ram Gopal has refused to participate in the TIP. It is submitted by the learned Standing Counsel that that the petitioner is absconding and is not cooperating in the investigation. He states that in FIR No.339/2010 police station Anand Vihar and FIR No.197/2010 police station Geeta Colony, proceedings against the petitioner under Section 82 and 83 of Code of Criminal Procedure are pending before the Metropolitan Magistrate.

10. In view of the aforesaid facts, I am not inclined to grant any relief to the petitioner. Writ petition is dismissed. The original papers/copy of the FIRs have been returned to the Additional Standing Counsel. It is clarified that the observations made in this order are for the purpose of the disposal of the present petition and will not be construed as expression of opinion on merits binding on the trial court.

SANJIV KHANNA, J.

OCTOBER 07, 2010

NA/J