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

+ CRL.REV.P. 545/2014 and Crl. M.A. No. 13836/2014

INSPECTOR NARESH MALIK

..... Petitioner

Through :Mr. Pawan Sharma, Adv. for the
petitioner with petitioner in person.

versus

STATE

..... Respondent

Through :Mr. Amit Ahlawat, APP with
Inspector Sunder Singh, DIU/OD

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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20.05.2015

While disposing of the anticipatory bail application under Section 438 Cr.P.C. of the accused Ravinder and Sandeep in the FIR No.640/2014 under Sections 420/120-B IPC vide order dated 12th August, 2014, learned Additional Sessions Judge has directed necessary action against the petitioner for non-compliance of directions as stipulated in Lalita Kumari vs. Government of U.P. & Ors. 2014 (2) SCC 1. Relevant portion of the order passed by the learned Additional Sessions Judge in this regard reads as under:-

“It is writ large that the above directions are in the nature of law declared by the the Hon’ble Apex Court

under Article 141 of Constitution of India and are binding on all. There being a prima facie violation of the statutory law and the directions issued by the Hon'ble Supreme Court in the case of Lalita Kumari Vs.State of UP (Supra), a Show Cause Notice is beng issued to the Deputy Commissioner of Police concerned to explain why proceedings in accordance with law be not recommended to be initiated against the SHOs Police Station Rohini and Police Station Begumpur for non-registration of the FIRs on complaints of Deepak Shokeen and Satpal Singh which have been kept pending for the last about one month(particularly the complaint of Deepak Shokeen) despite the said complaints disclosing commission of a cognizable offence, which act of the SHOs appear to be deliberate. Reply to the Show Cause should reach this Court by 4.00 PM tomorrow i.e. 13.8.2014 failing which a copy of this order is directed to be placed before the Ld.CMM (Outer) for initiating necessary action as per law against both the SHOs i.e.SHO Police StationSouth Rohini and SHO Police Station Begumpur for non registration of FIR on the complaints of Deepak Shokeen and Satpal Singh.”

I am of the view that learned Additional Sessions Judge has acted in haste in placing the matter before the learned Chief Metropolitan Magistrate for initiating necessary action against the petitioner without waiting explanation from the petitioner regarding delay, if any. One day time was given to explain as to why proceedings in accordance with law be not recommended to be initiated against the petitioner. At the same time, matter was placed before the learned Chief Metropolitan Magistrate for taking

appropriate action against the petitioner without awaiting the explanation. That apart, learned Additional Sessions Judge has also failed to take note of the subsequent order dated 5th March, 2014 passed by the Supreme Court in Lalita Kumar (supra) whereby directions regarding registration of FIR within 15 days was modified in the following manners:-

“(vii) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed fifteen days generally and in exceptional cases, by giving adequate reasons, six weeks time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry.”

In this case, FIR was registered within six weeks and this fact has not been disputed by the respondent.

For the foregoing reasons, directions of learned Additional Sessions Judge for initiating appropriate action against the petitioner are set aside.

Revision petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MAY 20, 2015/rb