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

+ **W.P.(C) 3934/2015**

M. SUFIAN SIDDIQUI

..... Petitioner

Through: Mr. M. Sufian Siddiqui, Adv.
(petitioner-in-person) with Mr.
Rakesh Bhugra & Mr. M. Tabish Zia,
Advs.

versus

THE COMMISSIONER OF POLICE, DELHI Respondent

Through: Ms. Zubeda Begum with Ms. Sana
Ansari & Ms. Vanessa Singh, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **22.04.2015**

CM NO.7029/2015 (for exemption)

Allowed, subject to just exceptions.

The application is disposed of.

W.P.(C) 3934/2015

1. This petition under Article 226 of the Constitution of India, filed as a Public Interest Litigation (PIL), seeks a direction to the Commissioner of Police, Delhi “to formulate transparent and pragmatic mechanism of providing ‘acknowledgment’ to the individuals joining investigation in

criminal cases pursuant to the notice received under the Code of Criminal Procedure”. It is the contention of the petitioner that some of the investigating officers, inspite of persons summoned to join investigation joining in the investigation, proceed to arrest them falsely alleging that they had not joined in the investigation. It is argued that if there were to be a system in place enabling such persons to have acknowledgment of their joining the investigation, they will be saved from the harassment at the hands of police officers who threaten such persons with arrest, taking advantage of such persons inspite of having joined the investigation having no proof of the same.

2. The petitioner, in the petition, has himself referred to ***Arnesh Kumar Vs. State of Bihar*** (2014) 8 SCC 273 and we are of the view that the cause sought to be espoused by the petitioner has been sufficiently safeguarded by the said judgment. Even otherwise, aberration practiced by some of the police officials cannot be a ground for us to rewrite the Cr.P.C. which according to the petitioner suffers from this lacuna. We may also notice that as far as the city of Delhi is concerned, all police stations have CCTVs and

thus the presence of any person summoned to the police station is recorded and it will not be ordinarily possible for the summoning official to deny that the person has not attended inspite of being summoned. We may also record the precaution taken by some persons, so summoned, to have a DD entry done of their visit. We have in our experience also learnt that the summoning official, to avoid issuance of fresh summons, generally writes the date on which presence is next required on the summon itself and which acts as acknowledgement. If anyone has a specific grievance against any particular police official, such person has sufficient remedies available to him in law under the Cr. PC itself. In our opinion, there is no need for this Court to, in a PIL without even any instances / particulars of any such aberration, issue any general directions and which may otherwise prejudice / hamper the investigative powers of the police.

3. Investigation of an offence is the field exclusively reserved for the police officers, whose powers in that field are unfettered, so long as legitimately exercised and not abused (see ***Divine Retreat Centre Vs. State of Kerala*** (2008) 3 SCC 542). Supreme Court in ***D. Venkatasubramaniam Vs. M.K. Mohan Krishnamachari*** (2009) 10 SCC 488 reiterated what was said as far back as in ***Emperor Vs. Khwaja Nazir Ahamad*** AIR 1945 PC 18 i.e.

just as it is essential that every one accused of a crime should have free access to a court of justice, so it is of utmost importance that judiciary should not interfere with the police in matters which are within their province and into which the law imposes upon them the duty of enquiry.

4. We, therefore, do not find any ground to entertain this petition filed as a PIL and dismiss the same.

CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J

APRIL 22, 2015

‘gsr’