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

Date of decision: 18.04.2016

+ W.P.(CRL) 546/2014

S M MATLOOB Petitioner

Through Petitioner in-person

versus

STATE GOVT. OF NCT DELHI & ORS. Respondents

Through Mr. Rajesh Mahajan, ASC (Crl.)
SI Varun, PS Jamia Nagar

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India
praying as follows:-

“1. Kindly quash the complaint case filed u/s 200 having no.
CC No. 92/1 of 2012 and proceeding arising out of the same
pending in the Court of Ld. Metropolitan Magistrate-07, same
is scheduled to be heard on 12th March 2014.

2. Kindly order for high level enquiry into the source of
income, wealth, using fake name by the complainant and his
claim as resident of I-101 – the land in question.

3. Kindly pass order to verify the ownership of I-101, E-4, E-5 all situated in Batla House, other properties owned by the complainant and source of income used to acquire them, including proof of residency of the complainant at stayed plot I-101, Batla House, Jamia Nagar, New Delhi-110025. And if complainant is not able to prove the ownership and/or acquired through illegal means, then kindly direct the police to file the FIR and income tax authorities to take action against the complainant and others.

4. Any other proper and further relief which this Hon'ble Court may deem fit and proper also may kindly be passed in favour of the petitioner.”

2. Mr. S.M. Matloob, the petitioner who has argued his case in-person, however, limits the relief in the present petition to prayer clause (1) i.e. to quash the complaint case being CC No. 92/1 of 2012 pending before the Court of Metropolitan Magistrate-07.

3. None appears on behalf of respondent no. 3/complainant in CC No. 92/1 of 2012 before this Court despite service of notice and repeated opportunities.

4. Mr. Rajesh Mahajan, learned Addl. Standing Counsel (Crl.), on instructions from the Investigating Officer in the subject FIR, namely, SI

Varun, Police Station- Jamia Nagar, Delhi, states that the complainant in CC No. 92/1 of 2012 is not being represented or appearing before the Court of learned Metropolitan Magistrate in CC No. 92/1 of 2012 since the year 2014.

5. In the present writ petition, it is alleged that respondent no. 3/complainant is a bad character of Police Station Hauz Qazi, Delhi and has falsely instituted the subject Complaint Case against the petitioner since the latter who is a concerned citizen and a resident of Jamia Nagar, Delhi has been instituting proceedings against persons indulging in unauthorized construction in the said area. In other words, it is the case of the petitioner that the persons raising unauthorized construction are trying to intimidate him so as to coerce him not to blow the whistle on unauthorized construction in the Jamia Nagar area. In this behalf, it would be relevant to note that the petitioner is a former employee of the Ministry of External Affairs (ICCR) and Editor-in-Chief of www.aapkiawaz.com – a news portal.

6. It is also asserted that on the basis of complaints and proceedings instituted by the petitioner, FIRs have been instituted against the people raising unauthorized construction.

7. In view of the foregoing, it is evident that the said complaint being CC No. 92/1 of 2012 is an attempt to muzzle the petitioner, by vested interests,

so as to coerce him to turn a blind eye to unauthorized construction and other illegal activities in Jamia Nagar, Delhi.

8. Consequently, the said complaint being CC No. 92/1 of 2012 is an abuse of the process of law and is, accordingly set aside and hereby quashed.

9. The writ petition is disposed of accordingly.

APRIL 18, 2016
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SIDDHARTH MRIDUL, J

