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

+ **CRL.M.C. 990/2016**

**SOCIETY FOR VOICE OF HUMAN  
RIGHTS & JUSTICE (REGD.)**

..... Petitioner

Represented by: Mr. M. Dutta & Mr. Dharmendra  
Kumar, Advs.

versus

**AAM AADMI PARTY**

..... Respondent

Represented by: NEMO.

**CORAM:  
HON'BLE MR. JUSTICE SURESH KAIT**

**ORDER**

% **09.03.2016**

**Crl.M.A.4228/2016 (for exemption)**

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.M.C. 990/2016**

1. By way of the present petition filed under Section 482 Cr.P.C., petitioner seeks directions thereby setting aside the order dated 27.05.2015 passed by Id. Metropolitan Magistrate, West District, Delhi in CC No. 469/1/14.

2. The present petition has been filed on the ground that police investigation is required to be conducted to ascertain whether members of the *Aam Aadmi Party* were actually present on the relevant date and time and indulged in dishonouring of National Flag.

3. It is further to be ascertained whether the Members of the said party were indulging in use of National Flag and were in possession of the requisite permission / authority from the relevant competent authority for doing so.

4. The petitioner filed a petition under Section 200 Cr.P.C with an application under Section 156 (3) Cr.P.C. on the ground that on 21.05.2014 after sending Mr. Arvind Kejriwal to judicial custody in Tihar Jail, Aap supporters were agitating in front of Tihar Jail with National Flags in their hands and were using the same in disguise of protest in order to gain political mileage. Thus, there was every likelihood and possibility of felling down of the National Flag on earth. The video clip news on T.V. telecasted 21.05.2014 are available with the petitioner and it also attached a copy of the Newspaper cuttings namely Times of India, Navbharat Times and Amar Ujala of dated 22.05.2014 with the petition.

5. It is further stated in the complaint that in the protest senior Aap leaders namely Manish Sisodia, Sanjay Sharma, Yogendra Yadav and Rakhi Bidla and others were also present and they were shown through the T.V. broadcast on 21.05.2014.

6. It is also stated that the Aap leaders and its workers had no permission from the Central Government for using the National Flag while agitating and using the same for the political mileage.

7. The Id. Trial Court sought the status report from the State and thereafter opined that the present case does not require any investigation by the Police.

8. It is an admitted fact that the petitioner has named the persons who allegedly committed the offence and has their video and audio clippings and photographs with it. Therefore, if each and every allegations has been recorded by the petitioner and evidence to that effect is with it, therefore, no purpose will be served to direct the police to investigate the matter.

9. I note, Id. Trial Court has not rejected the petition of the petitioner filed under Section 200 Cr.P.C., however, only dismissed the application filed under 156 (3) Cr.P.C.. Thus, the Id. Trial Court has not closed the chapter and if the petitioner wishes, it may lead pre-summoning evidence under Section 200 Cr.P.C. The petitioner has every evidence in his possession, therefore, nothing to be investigated.

10. In view of above, I find no ground to interfere in the order dated 27.05.2015 passed by the Id. Trial Court.

11. Accordingly, the petition is dismissed.

**MARCH 09, 2016**

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**SURESH KAIT, J**