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

+ W.P. (C) 4784/2016

ANIL DUTT SHARMA

..... Petitioner

Through

Mr.J.K.Sharma, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through

Mr.Vijay Kumar Joshi, CGSC with
Mr.Santosh Kumar Pandey, Adv. for
R-1.

Mr. Arun Mitra, Adv. for
Ms.Prabhsahay Kaur, Adv. for R-2 &
3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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23.05.2016

CM Nos. 19944-19945/2016 (*exemption*)

Allowed, subject to all just exceptions.

W.P. (C) 4784/2016

1. The present public interest petition is filed seeking several prayers. Firstly, a writ of mandamus is sought to direct the respondents to pass necessary directions to furnish information as to in how many cases pending investigation the time limit for filing charge-sheet has expired as per Section 468 Cr.P.C. A direction is also sought for furnishing information as to in how many Police Stations (a) Office Order of Delhi Police No.5 of 2012 (b)

Circular No.6 of 1998, C&T regarding the duty and responsibility of Additional SHO of Police Stations and (c) Standing Order No. 104 of 2010 have not been followed and action be initiated against the erring police officials.

2. A perusal of the writ petition shows that the petition is replete with allegations and contentions regarding alleged the inefficiency and functioning of the respondent No.3 i.e. Delhi Police. It is stated that large number of complaints are received in Police Stations which disclose cognizable offences but are suppressed by the Police. It is further stated that the rate of acquittal is very high and conviction is very low especially conviction rate of rape cases in Delhi is only 18%. It is further alleged that after registration of FIR, the period of filing charge-sheet as prescribed under Section 468 Cr.P.C expires but no charge-sheets are being filed. An estimate is made that about 30,000 charge-sheets are pending in violation of Section 468 of Cr.P.C. Some examples are furnished about various FIRs which are pending where according to the petitioner charge-sheets have not been filed despite lapse of the period prescribed under Section 468 Cr.P.C.

3. A perusal of the petition shows that the grievance of the petitioner appears to be regarding the general functioning of the police in Delhi and the stated poor administrative control of the Police hierarchy. In our opinion, these are not issues which can be adjudicated upon in a public interest litigation.

4. Further in any case, there could be several reasons as to why there is a delay in completion of investigations and filing of the charge-sheets by the Police. It would depend on the facts of each case. Making sweeping allegations as is sought to be done by the petitioner about delay in

completion of investigation and filing of charge-sheet without reference to the facts of the case appears to be not warranted. Even otherwise, in our opinion the aggrieved party is always free to take remedial measures under Cr.P.C in the facts and circumstances of that case where there is unnecessary delay in completion of the investigation and filing of the charge-sheet or in case of any other lacuna in police investigation.

5. Hence even otherwise, in view of the adequate remedies provided under Code of Criminal Procedure, 1973 and the Standing Orders issued from time to time by the Commissioner of Police, the issue sought to be espoused deserves no consideration by this Court by way of a Public Interest Litigation.

6. Accordingly, the writ petition is dismissed.

CHIEF JUSTICE

JAYANT NATH, J.

MAY 23, 2016/rb