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

+ W.P.(CRL) 1613/2016

JAI KUMAR

..... Petitioner

Through: Mr. J.K. Sharma, Advocate

versus

THE STATE OF NCT OF DELHI & ORS

..... Respondent

Through: Ms. Megha Bahl, Adv for Mr. Avi
Singh, ASC

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
26.10.2016

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The petitioner has preferred the present petition, inter alia, to seek a direction to the SHO PS Sultanpuri and Commissioner of Police to take appropriate action against the investigating officer Amit, and other erring police officials. The petitioner also seeks a direction that a fair, impartial and proper investigation should be conducted into the offence disclosed in case FIR No.1238/2015 under Section 394/34 IPC registered at PS Sultanpuri.

The case of the petitioner is that on 06.12.2015, he was robbed of Rs.10,000/- and was inflicted grievous injuries including a fracture of his nose. He was taken to Sanjay Gandhi Memorial Hospital, where his MLC

was conducted. The petitioner in his very first statement named the two accused, namely, Deepak and Sachin as the persons who had robbed him while physically assaulting him. The petitioner submits that despite the ingredients of section 397 IPC being disclosed, the FIR came to be registered only under Section 394 IPC.

The petitioner states that the I.O. in the case SI Amit has not been conducting the investigation properly and he is acting in a biased manner. The petitioner states that on 09.03.2016, he was served a notice under Section 160 and 170 Cr PC requiring him to attend Court No.102, Rohini Courts. The petitioner went to the said court and waited till 3:00 p.m., but SI Amit did not turn up. Once again, the same was repeated on 14.03.2016 and 21.03.2016. The petitioner has made a complaint regarding the careless and casual manner of investigation of the said case to several authorities, but to no avail.

Upon issuance of notice, the status report has been filed by the SHO PS Sultanpuri. According to the said status report, on inquiry, no quarrel was found to have taken place in front of Valmiki Mandir, Sultanpuri, Delhi, which is a crowded place. Though the status report records that it was found that both the accused had come to their home to attend a family function at B-4, Block-B, Sultanpuri, it doubts the presence of Deepak at Sultanpuri on the premise that according to his cell phone records, he was found in Mangolpuri. I may here itself observe that Mangolpuri and Sultanpuri are adjacent localities and it is quite possible that the mobile tower located at Mangolpuri may have been in contact with the mobile phone of Deepak. Since the inquiry has revealed, even according to the status report, that Deepak and Sachin had in fact visited their residence at Sultanpuri, the

reason given in the status report to doubt the presence of Deepak at Sultanpuri appears to be flimsy.

According to the petitioner, and it is also disclosed in the status report that there are several cases amongst the parties. According to the petitioner, the police is deliberately seeking to introduce third party who have not been named by the petitioner/ complainant into the case.

The status report does not disclose as to whether the statements of the accused were recorded and, if so, to what effect they are. The incident is of 06.12.2015 and despite passage of over ten months, little progress appears to have been made in the case. In these circumstances, the apprehension expressed by the petitioner that a fair and proper investigation has not been conducted in the case for extraneous considerations appears to have some force. Accordingly, the investigation in the FIR in question stands transferred to the District Investigation Unit concerned forthwith.

Petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

OCTOBER 26, 2016

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