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

+ **W.P.(CRL) 2052/2015**

**VIMLA & ORS**

..... Petitioners

Through: Mr.S.B. Tripathi, Advocate

versus

**GOVT OF NCT OF DELHI & ORS**

..... Respondents

Through: Mr.Ashish Aggarwal, A.S.C. for the  
State for Ms.Nandita Rao, A.S.C. for  
the State with SI Mausam, PS Mayur  
Vihar.

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

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**29.04.2016**

**Crl. M.A. No. 5103/2016**

1. The present application has been filed by the petitioners praying for recalling of order dated 12.02.2016.
2. This Court while dismissing the writ petition of the petitioners has passed the following orders:

**“W.P.(CRL) 2052/2015**

*1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioners have made the following prayers:-*

*(a) To direct CBI inquiry in FIR No.31/2014 u/s 451/506/380/427/34 IPC registered on the complaint of petitioner No.1 in police station Mayur Vihar, Delhi;*

*(b) To direct the respondent No.1 to take appropriate legal*

*action against respondent No.5 and others under the provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for making/conniving to false complaint to the police against petitioners and their family members;*

*(c) To direct respondent No.1 to pay ₹ 15,00,000/- as monetary relief under Rule 12 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 for atrocities of forcible dispossession of shop, false registration of FIR, torture, humiliation, threatening committed on petitioners belonging to Scheduled Caste;*

*(d) To direct the respondent No.1 to initiate vigilance inquiry in the matter to find out police officials involved in helping respondent No.5 in abetting the offences committing on the petitioners and not doing their official duty in accordance with The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989;*

*(e) To direct the respondent No.1 to initiate departmental proceedings against the police officials who are found guilty of dereliction from duty after vigilance inquiry.*

*2. So far as prayer (a) is concerned, learned ASC for the State has informed that investigation has already been transferred to DIU.*

*3. In view of the investigation being already transferred from local police station to DIU, this prayer does not survive. Otherwise also in a case under Sections 451/506/380/427/34 IPC, the matter cannot be directed to be investigated by CBI.*

*4. So far as prayer (b) and (c) are concerned, the matter is under investigation. The provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are attracted or not, is a subject matter of investigation.*

*5. So far as prayer (d) and (e) are concerned, in exercise of writ jurisdiction, a vigilance enquiry cannot be directed to be initiated just on the asking of the complainant.*

*6. The petition is dismissed.”*

*3. The ground on which recall of order dated 12.02.2016 is prayed for, is*

mentioned in paragraph 11 of the application which reads as under:-

*“A. Because this Hon'ble Court has committed an error in holding that “So far as prayer (b) and (c) are concerned, the matter is under investigation. The provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are attracted or not, is a subject matter of investigation.” due to the following:-*

*a) the moment it is revealed by the petitioners that they belong to SC category and atrocities within the meaning of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Respondent No. 1 to 4 are under a legal mandate under Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 to provide monetary reliefs to the petitioners.”*

4. Learned counsel for the petitioner Mr.S.B. Tripathi has referred to Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and submits that in view of the fact that the petitioners belong to SC category, monetary reliefs may be provided to the petitioners.

5. The contentions raised before this Court today with the prayer to recall the order dated 12.02.2016 need to be rejected in view of the reasons for which the writ petition has been dismissed. If the petitioner is aggrieved by the said order he can avail remedy as per law.

6. As I do not find any ground to recall the order dated 12.02.2016, the application is dismissed.

**PRATIBHA RANI, J.**

**APRIL 29, 2016**  
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