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

+ **W.P.(CRL) 712/2017 & Crl MA 3913/2017**

ASI AMARDEEP

..... Petitioner

Through: Mr. H.P. Sharma and Mr. Ajay
Sharma, Adv.

versus

UNION OF INDIA & ANR

..... Respondent

Through: Mr. Sanjeev Sabharwal, Adv. with SI
Feroz Khan

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

07.03.2017

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The petitioner has preferred the present writ petition with the following substantive prayers:

- a) Issue a writ or order in the nature of mandamus to conduct the enquiry within the preferably time three months in accordance with the law regarding the incidence dated 01.05.2016 and also with regard to the slapping of the petitioner by the respondent no.3;
- b) Issue a writ or mandamus to direct DG, CISF to take the immediate action against the guilty officer for suppressing the incidence dated 01.05.2016.

- c) To grant the permission to the petitioner for lodging an FIR against the respondent no.3 and respondent no.4. In pursuance to the direction of the Hon'ble Court the concerned authority be directed for lodging an FIR against the respondent nos.3 and 4.

The incident in question in relation to which the petitioner is aggrieved is an incident which took place at Mumbai while the petitioner was posted at the domestic terminal airport at Mumbai. Moreover, so far as relief (c) is concerned, the petitioner cannot prefer a writ petition to seek a direction for registration of FIR against any of the respondents. It is open to the petitioner to take steps in accordance with law and if he is aggrieved, prefer an application under section 156(3) Cr PC before the competent magistrate having jurisdiction.

So far as 1st and 2nd reliefs are concerned, learned counsel has argued that this court has territorial jurisdiction to deal with the present petition on the ground that the Directorate General, CISF is in Delhi. He submits that u/s 18 of the CISF Act, 1968, the offence is created in respect of the conduct taken note of in section 18(1). He submits that the DG is the first supervisory officer and the Central Government is empowered to appoint such other supervisory officer as considered necessary.

On a query by the court as to where the commandant in relation to the petitioner is located since the petitioner alleges commission of the offence at Mumbai, learned counsel submits that the commandant is located at Mumbai.

The entire cause of action has therefore arisen at Mumbai. Merely because the DG, CISF and the Union of India have their seat of office at

Delhi does not mean that this court should exercise its extraordinary writ jurisdiction when the reliefs sought in respect of a cause of action which has arisen at Mumbai and the petition is also directed against the Deputy Commandant and Asst. Commandant who are both situated at Mumbai.

This Court is, therefore, not inclined to exercise its extraordinary writ jurisdiction in the present case. The petition is, accordingly, dismissed. It is open to the petitioner to approach the competent court for the reliefs sought for.

VIPIN SANGHI, J

MARCH 07, 2017

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