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

+ CRL.M.C. 794/2017

INSPECTOR RAJESH KUMAR Petitioner
Through : Mr. Pawan Sharma, Adv.

versus

STATE OF NCT OF DELHI Respondent
Through :Mr. Amit Chadha, APP with SI
Surender, P.S. Begumpur

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.03.2017

Petitioner is aggrieved by the order dated 12th August, 2014 passed by the learned Additional Sessions Judge, Delhi, whereby the matter was placed before the learned Chief Metropolitan Magistrate for initiating necessary action against the petitioner for non-compliance of the directions as stipulated in Lalita Kumari vs. Government of U.P. and others, (2014) 2 SCC 1. Learned counsel for the petitioner submits that vide the same order dated 12th August, 2014 action was also recommended against Inspector Naresh Malik, who was the Station House Officer, Police Station Rohini South. It is submitted that petitioner was the Station House Officer, Police Station Begumpur. Learned counsel for the petitioner submits that Inspector

Naresh Malik filed Crl. Rev. Petition No. 545/2014, which was disposed of by this Court on 20th May, 2015. Revision petition was allowed and impugned directions were set aside by observing thus:-

“I am of the view that learned Additional Sessions Judge has acted in haste in placing the matter before the learned Chief Metropolitan Magistrate for initiating necessary action against the petitioner without waiting for explanation from the petitioner regarding delay, if any. One day time was given to explain as to why proceedings in accordance with law be not recommended to be initiated against the petitioner. At the same time, matter was placed before the learned Chief Metropolitan Magistrate for taking appropriate action against the petitioner without awaiting the explanation. That apart, learned Additional Sessions Judge has also failed to take note of the subsequent order dated 5th March, 2014 passed by the Supreme Court in Lalita Kumar (supra) whereby directions regarding registration of FIR within 15 days was modified in the following manners:-

“(vii) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed fifteen days generally and in

exceptional cases, by giving adequate reasons, six weeks time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry.”

In this case, FIR was registered within six weeks and this fact has not been disputed by the respondent.

For the foregoing reasons, directions of learned Additional Sessions Judge for initiating appropriate action against the petitioner are set aside.”

For the foregoing reasons, directions of learned Additional Sessions Judge for initiating appropriate action against the petitioner are set aside. Petition is disposed of in the above terms.

A.K. PATHAK, J.

MARCH 07, 2017

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