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

+ **W.P.(CRL) 1456/2012**

SUNITA

..... Petitioner

Through: Md. Irfan, Advocate

versus

STATE & ANR

..... Respondent

Through: Mr. Shubham Bhalla, Advocate for
R2
Mr. Jamal Akhtar, Advocate for Mr.
Rahul Mehra, standing counsel
Mr. Abhinav Ramkrishna, Advocate
for R3 to R8.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
16.01.2017

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The petitioner has preferred the present writ petition to seek a direction to the State to register the first information report against respondent No.2-SSP, GRP Ambala, Haryana. The petitioner further seeks a direction that the detention of his brothers, namely, Sunil @ Teja and Sunil @ Anil at the hands of respondent No.2, be declared illegal for the period 07.09.2012 to 11.09.2012. The petitioner also seeks a direction that the location chart of the mobile phone of one Bhim Singh, i.e. 9654422481 of date 07.09.2012 be produced. The petitioner also seeks damages of Rs.

50,000/- on account of the alleged illegal detention of her brothers.

The case of the petitioner is that on 07.09.2012, his brothers aforesaid were kidnapped/lifted by the police official. On the same day, the petitioner sent a telegram to the Commissioner of Police and DCP Vigilance. On 08.09.2012, the mother of the petitioner made a complaint to the SHO, PS Aman Vihar. On 10.09.2012, the petitioner made a telegram to the Crime Investigating Agency, for the same purpose. The brother of the petitioner Sunil @ Teja was produced before the Faridabad Court on 11.09.2012. The other brother of the petitioner i.e. Sunil @ Anil was shown as arrested upon the disclosure of Sunil @ Teja on 12.09.2012. According to the petitioners, the petitioner's brother Sunil @ Teja was produced before the Patiala House Courts on 25.09.2012 and his MLC of the same date showed blunt injuries. The averments made in the petition show that her brothers were lifted illegally by respondent No.2 on 07.09.2012 allegedly in violation of the guidelines issued by the Supreme Court in the case of ***D.K.Basu***. It is further averred that the petitioner sent telegrams to the crime investigating agency, Faridabad, on 10.09.2012. The status report filed by SHO, PS Aman Vihar, dated 10.01.2013, inter alia, states that on the PCR call received in this respect, a DD entry bearing No. 30A dated 07.09.2012 was recorded. On 14.09.2012, ASI Bhim Singh, GRP along with ASI Rakesh, ASI Mohd. Hasan, ASI Chet Ram, ASI Surat Ram and HC Nawal Singh came in government vehicle driven by Mahavir from PS GRP Faridabad to police post Prem Nagar, PS Aman Vihar regarding investigation of case FIR No. 80/12 under Sections 399/402/353/332/333/186 IPC, registered at PS GRP Haryana. It was in relation to the said case that the two brothers of the petitioners were picked up. The status report further disclosed that the

petitioner was aware that his brothers had been picked in relation to the investigation in case FIR No. 80/12 aforesaid.

Reply has been filed on behalf of respondent Nos. 3 to 8 who were impleaded in terms of the order dated 26.04.2013. The amended memo of parties, however, does not appear to be on record. Mr. Akhtar, has provided a copy of the said amended memo of parties which is taken on record. In the said counter affidavit, it is disclosed that the two persons claimed to be brothers of the petitioner, namely, Sunil @ Teja and Sunil @ Anil are not brothers and they have different paternity. It is, therefore, submitted that the petitioner has falsely claimed that they are her brothers. It is pointed out that Sunil @ Anil is the son of Mr. Dashrath whereas Sunil @ Teja is the son of Mr. Subramaniam. Both of them have several earlier involvements in other cases.

In view of the aforesaid, I am not inclined to entertain the present petition. In case the petitioner is aggrieved, it is open to the petitioner to move an appropriate application under Section 156(3) Cr.P.C. in terms of the judgment of the Supreme Court in *Sakiri Vasu Vs. State of U.P.* (2008) 2 SCC 409. The issue of jurisdiction raised by respondent Nos. 3 to 8 shall also be considered in case petitioner approaches the learned magistrate under Section 156(3) Cr.P.C.

The petition stands disposed of.

VIPIN SANGHI, J.

JANUARY 16, 2017

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