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

+ W.P.(CRL) 2574/2016

SUNIL KUMAR

..... Petitioner

Through: Mr. Hemant Kumar and Tushar
Sharma, Advocates

versus

STATE OF GNCT

..... Respondent

Through: Ms Richa Kapoor, ASC with Ms.
Seema Patnaha Adv for State with
Insp. Sushila, PS Mayapuri

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

06.01.2017

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The petitioner has preferred the present writ petition to seek a direction to the sanctioning authority i.e. Hon'ble Lt. Governor to pass a reasoned order with respect to the petitioners letter dated 28.10.2015, whereby the petitioner has sought sanction to prosecute three police officers, namely: i) SHO Suraj Bhan; ii) SI Pankaj; and iii) ASI Sitar Singh, posted at PS Mayapuri.

The petitioners grievance stems from a dispute in relation to a property. According to the petitioner, the aforesaid three police officers have abused their authority in collusion with the parties with whom the petitioner

is in dispute, namely, his brother. The details of all the allegations made by the petitioner against the said three police officers can be found in the representation made by the petitioner to the Hon'ble Lt. Governor on 28.10.2015, whereby the petitioner sought sanction to prosecute them. The said representation has remained undecided and, consequently, the petitioner has preferred the present writ petition.

Notice was issued in the present petition on 02.09.2016. The status report dated 17.09.2016 has been filed on record. The same is signed by the SHO PS Mayapuri. A perusal of the same shows that the same pertains to the allegations made against the SHO and other two police officers of PS Mayapuri on merits. It does not deal with the action taken on the petitioners application to seek sanction by the Hon'ble Lt. Governor.

On 22.09.2016, the petitioner informed the court that he had received a communication from the State requiring him to furnish further details/ documents which he has since submitted.

Ms. Kapoor informed that a communication dated 06.07.2016 had been sent to the DCP (HQ) requesting for additional material/ information which was still awaited from the Delhi Police. Consequently, the DCP (HQ) was directed to provide the requisite information/ documents to the Deputy Secretary (Home-I) without any further delay. The matter was adjourned to 16.11.2016. Since I was on leave on that day, the case was adjourned for today.

Ms. Kapoor has tendered in court a communication received from the Home Department of the GNCTD addressed to the DCP (HQ) dated 21.11.2016, wherein it is stated that the Delhi Police have not provided a specific reply sought by the department vide letter dated 30.09.2016.

Consequently, the Home Department expressed its inability to place the matter before the competent authority i.e. Hon'ble Lt. Governor for taking an independent decision on the request made by the petitioner for grant of sanction to prosecute the said three police officers. Ms. Kapoor submits that now the information has been provided vide diary no.2275 dated 28.12.2016 to the Home Department.

In the light of the aforesaid, it appears to this court that merely because the Delhi Police may be dragging its feet and not providing the information sought by the Home Department, the application of the petitioner to seek sanction for prosecution cannot be kept pending indefinitely.

In these circumstances, the Home Department is directed to place the case before the Hon'ble Lt. Governor for his consideration within ten days, who shall proceed to decide the same on the basis of whatever materials have been received from the petitioner and the Delhi Police. It is hoped that the Hon'ble Lt. Governor shall dispose of the petitioner's application after due consideration within a period of two months from today.

Dasti.

VIPIN SANGHI, J

JANUARY 06, 2017

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