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

Decided on: 2nd May, 2017

+ **W.P. (CRL.) 3507/2016**

AJAY GAUTAM Petitioner

Through: Petitioner in person.

versus

STATE & ANR. Respondents

Through: Mr. Rahul Mehra, Standing
Counsel (Crl.) with Mr. Jamal
Akhtar, Adv.
SI Anil Kumar, PS Dabri.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The present criminal writ petition invoking Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) was submitted in December, 2016 by the petitioner, appearing in person, seeking the following reliefs:-

- “A. Allow the present writ petition.*
- B. Issue a writ, order or direction in the nature of mandamus issuing necessary directions to the respondents to stop harassing the petitioner and follow process of law in respect of any inquiry or investigation related to the petitioner.*
- C. Issue a writ, order or direction in the nature of mandamus issuing necessary directions to the respondents not to enter in the house/premises of*

petitioner without permission or without follow process of law.

- D. Issue a writ, order or direction in the nature of mandamus issuing necessary directions to the respondents to not to do publication of the notice for enquiry.*
- E. Issue a writ, order or direction in the nature of mandamus issuing necessary directions to the respondents to supply copy of the complaints in advance if any to the petitioner in which they are seeking views and reply of the petitioner.*
- F. Issue a writ, order or direction in the nature of mandamus issuing necessary directions to the respondents to give reasonable time to file the reply after supply the copy of the complaint.*
- G. Issue a writ, order or direction in the nature of mandamus issuing necessary directions to the respondents to approach/contact/direct for appearance to the petitioner if necessary only.*
- H. The Hon'ble Court may issue a writ, order or direction in the nature of mandamus commanding the respondents to protect the fundamental rights insured in Article 21 of the Constitution of India specially right to privacy of the petitioner during the police enquiry/investigations.*
- I. Pass any other or further order which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in the interest of justice."*

2. Notice was issued to the respondents. A counter affidavit of Inspector Harendra Singh, SHO of Police Station Dabri to which the matter pertains, has been filed. The petitioner has filed a rejoinder to the said counter affidavit.

3. On being asked, the petitioner submitted that since he is conversant with all the facts and has the necessary knowledge of law, he does not need services of any advocate and would make his submissions on his own without such assistance.

4. Petitioner has been heard at length. Submissions of the respondents have also been taken into consideration.

5. The counter affidavit reveals, what is not disclosed by the petitioner, that one H.S. Rawat has filed a complaint against him on 05.12.2015 making certain allegations of false implication in case of rape and molestation and threats to kill as also certain attempts in that regard. This was followed by a formal complaint by the said H.S. Rawat presented in the court of Chief Metropolitan Magistrate, Dwarka Courts under Section 156 (3) Cr.P.C. alleging offences under Sections 383/499/506 IPC having been committed, the said complaint having been registered as Complaint Case No.1240/1. In the said complaint, it appears allegations were made by said H.S. Rawat against the petitioner to the effect that he had demanded Rs.5 lacs by way of extortion. It appears from the counter affidavit that the said matter was received in the Police Station on 27.06.2016 and it is in that context and background that the police started making inquiries for status report to be submitted in the court of Metropolitan Magistrate.

6. It is further revealed by the counter affidavit that on 11.11.2016 and 19.11.2016 the said H.S. Rawat filed fresh complaints against the petitioner leveling allegations of theft of certain documents as also

certain other acts. The said matter was made over to Sub Inspector Sanjay Kumar of the Police Station for appropriate inquiry. The counter affidavit though also reveals that the petitioner has also filed a complaint case under Section 156(3) and Section 400 Cr.P.C. against H.S. Rawat in the court of Metropolitan Magistrate at Dwarka, which case is pending, it having been described as a cross case.

7. Be that as it may, the reasons for the visits to the house of the petitioner by the local police officials have been explained the same being for purposes and in the wake of inquiry necessitated by the complaint made in the court of Metropolitan Magistrate on which a report was called for by said court.

8. Against the above backdrop, the petition is found to be misconceived. It does not call for any relief or directions.

9. Petition is dismissed.

R.K.GAUBA, J.

MAY 02, 2017

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