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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL.) 2639/2017

SHOKEEN

..... Petitioner

Through: Mr. Ashu Kumar Sharma, Advocate.

versus

STATE NCT OF DELHI & ORS

..... Respondent

Through: Mr. Sanjay Lao, ASC for State with SI
Anupam, PS New Usmanpur, Delhi.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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13.09.2017

Crl.M.A. 15238/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2639/2017

1. Petitioner has invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short "Cr.PC") for directing the Delhi Police Commissioner to conduct Vigilance Inquiry against the Station House Officer (SHO) and

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Investigating Officer (IO) SI Anupam in FIR No. 918/2017 registered against the petitioner's son Rashid under Section 392/397/411/34 of IPC, Police Station New Usmanpur, Delhi.

2. On an advance copy having been served, Mr.Lao, learned ASC, appears.
3. Learned counsel for the petitioner submits that his minor son namely Rashid had been falsely implicated in the said FIR by the police officials. He submits that his son is a minor as he is aged about 16 years. He urges that ignoring his tender age he was illegally detained by the police in the said FIR. A Photostat copy of a certificate dated 08.09.2017 allegedly issued by HOS for Vice Principal, GSBV, Khajoori Khas, Delhi-110090 certifying the date of birth of Rashid to be 25.12.2000 is placed on record. He submits that the police has not complied with Section 41-B of the Code by not informing the family members of Rashid about his arrest.
4. Learned ASC submits that at the time of his arrest, the accused was carrying his driving licence, as per which the date of birth recorded in the said driving licence he is a major. The learned counsel for the petitioner submits that they are not aware of any driving licence.
5. Admittedly, the petitioner or the accused has not brought these facts to the notice of the trial court or the learned MM before whom he was produced after the arrest. The petitioner despite having the alternate remedy available did not avail of it. Instead

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of availing the same, the petitioner rushed to this court in writ jurisdiction of this court, which is not permissible in law.

6. The petition is dismissed.



VINOD GOEL, J.

SEPTEMBER 13, 2017

"shailendra"

