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

+ **W.P.(CRL) 2948/2017**

SUDHIR KUMAR GOYAL

..... Petitioner

Through: Mr.Vikas Pahwa, Sr.Advocate with
Mr.Ravi Agrawal, Mr.Pragalb
Bhardwaj, Mr.Shadman Ahmed
Siddiqui, Mr.Karan Khanuja,
Ms.Kanika Sondhi & Mr.Tushar
Agarwal, Advocates

versus

STATE GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Ashish Aggarwal, ASC for the
State with SI Rakesh Rana PS Bharat
Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.11.2017

1. The petitioner has invoked the extra ordinary jurisdiction of this Court by filing the instant writ petition under Article 226/227 of the Constitution of India read with Section 482 CrPC with the following prayer:-

(a) to call for the record of the case titled as 'Dr.Sudhir Kumar Goyal vs. Ataullah Khan & Ors.' under Section 156(3) CrPC vide case bearing CC No.16/1/15 from the Court of Sh.Devender Nain, ACMM, North West District, Rohini Courts.

(b) to set aside or quash the order dated 26.03.2015 as passed by learned ACMM with a further direction to take cognizance of case under Section 190(1)(b) and issue process to the accused persons in accordance with law

and as propounded by Hon'ble High Court of Delhi in the case of Dr.Rajniparliwala vs. Dr.D.Mohan & anr. and in terms of the law laid down by Hon'ble Supreme Court in case of H.S.Bains vs. State (Union Territory of Dlehi (1981) 1 SCR 935) with further direction to conduct speedy trial of the case in a time bound manner.

(c) to direct the State police to complete the investigation of the case expeditiously and in a time bound manner with further direction to transfer the case to some other independent appropriate agency in the interest of justice and/or direct the Id. ACMM, Rohini to decide the matter as expeditiously as possible thereafter within a time bound manner.

(d) to direct the Commissioner of Police, Delhi to initiate appropriate legal proceedings against D.C.P.(North West), SHO, Mr.Rakesh Rana, SI and Mr.Ranbeer Singh, SI (both IO of the case) Police Station Bharat Nagar, Delhi and any other police officer responsible for repeated and continuing dereliction of duty in accordance with law.

2. Mr.Vikas Pahwa, learned senior counsel for the petitioner on instructions submits that prayer No.(b) is not pressed. He further submits that a complaint has already been made to the Commissioner of Police against the police officials in terms of prayer (d) but petitioner is not aware about the fate of the same hence necessary writ may be issued to the Commissioner of Police.

3. Mr.Ashish Aggarwal, ASC for the State submits that in the instant case investigation is almost complete and final report is likely to be filed within four weeks.

4. So far as prayer (a) is concerned, the same is to call for the record of the complaint case bearing CC No.16/1/15 titled as 'Dr.Sudhir Kumar Goyal

vs. Ataulлах Khan & Ors.’ Since prayer no.(b) has not been pressed and prayer No.(c) stands answered by learned ASC for the State, there is hardly any necessity to call for the record of CC No.16/1/15. Prayer (a) is declined.

5. The last prayer being prayer (d) made by the petitioner is for directing the Commissioner of Police, Delhi to initiate legal proceedings against the D.C.P.(North West) and other subordinate officers referred to by their designation.

6. Whether all or any of the officers referred to in prayer (d) by their designation can be held responsible for dereliction of duty and that too repeatedly, it is a disputed question of fact required to be established by the aggrieved party in appropriate proceedings.

7. Thus, merely because the complaint has been made to the Commissioner of Police, does not call for any direction by this Court in exercise of writ jurisdiction. The writ petition is dismissed.

PRATIBHA RANI, J.

NOVEMBER 28, 2017

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