

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-50292-2018
Date of decision:16.11.2018**

Pardeep Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjeev Kumar Panwar, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (ORAL)

By way of filing this petition, the petitioner seeks issuance of directions to the respondents to register FIR against the delinquent Officers of the police especially in pursuance of order dated 09.07.2018 passed by Chief Information Commissioner, Haryana (Annexure P-1).

Learned counsel for the petitioner has submitted that the petitioner's mother had been caused injuries by Amit and Ajit brothers of Aradhana as well as Babita sister of Aradhana (daughter-in-law of the injured) and regarding which a complaint was made to the police but no action was taken thereupon. Thereafter another complaint was submitted at CM Window, Sector – 12, Faridabad on 27.03.2017 vide Grievance

No.CMOFF/N/2017/015795 dated 09.02.2017, but still no action was taken. Subsequently, the petitioner was construed to file application under R.T.I. to seek information as regards the action taken upon the complaint. The operative portion of the order dated 09.07.2018 passed by Chief Information Commissioner Haryana reads as follows:-

“The Commission noted the averments of the appellant that some relevant and important facts have been withheld by the police department with malafide intention. Hence, in exercise of powers conferred under Sub Section 5 of Section 25 of the RTI Act, 2005, the Commission recommends to the Deputy Commissioner of Police (HQ), Faridabad that if any record is not available relating to this RTI application, then appropriate action be initiated against the delinquent as per the applicable Service Rules. If any malafide is proved for misplacing the records then FIR be registered against the delinquent official under intimation to the Commission latest by 09.09.2018.”

Pursuant to aforesaid directions, the Deputy Commissioner of Police has ordered for holding the departmental inquiry against C. Rakesh for having shown negligence, indiscipline and carelessness in discharge of official duty by not maintaining the relevant record.

Learned counsel has submitted that the Police Authorities are trying to shield the police officials by not registering FIR, although it is writ large on the facts of the case that relevant record has been concealed/misplaced so as to extend undue advantage to the accused.

Having heard learned counsel for the petitioner, the matter is disposed of with a direction to respondent No.4-Deputy Commissioner of

Police, Faridabad to look into the matter and to examine as to whether the record in question had been misplaced so as to intentionally extend any undue advantage to the accused or as to whether it is case of sheer negligence and to pass a speaking order in this regard. In case, it is found that it was on account of extending some undue advantage that the documents were misplaced or concealed, then FIR be lodged against delinquent official/officials as has been observed in order dated 09.07.2018 (Annexure P-1) passed by Chief Information Commissioner, Haryana. The needful be done within a period of '**three months**' from today.

A copy of this order along with relevant documents be sent to respondent No.4- Deputy Commissioner of Police, Faridabad so as to enable him to do the needful expeditiously.

16.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No