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

+ **W.P.(C) 373/2018**

MS. NIRMAL YADAV

..... Petitioner

Through: Mr Avadh Kaushik and Mr Sunil
Kumar, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Devesh Singh, ASC, GNCTD
with Ms Neelam Kholiya and Ms
Minal Sehgal, Advocates for R-1 to
R-8.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.01.2018

1. The petitioner has filed the present petition impugning an inquiry report dated 05.12.2016 holding that the allegations made against respondent nos. 5 and 6 were not proved. The petitioner also prays that directions be issued for registration of an FIR against respondent nos. 5 & 6 and a fresh inquiry be instituted.

2. The petitioner had filed a complaint in P.S. Begumpur making various allegations including that she had been beaten and abused by her husband and also molested by her father-in-law. The petitioner alleges that the incidents complained of had occurred in house no. 224, Indira Colony-2, Sector-52, Gurgaon, Haryana, where she and her husband were residing

along with her in-laws and at house no. 10/20, Paprawat Road, near Chawla Bus Stand, Najafgarh, Delhi, where she and her husband had shifted in July, 2016.

3. The petitioner claims that on 04.10.2016, she was called by respondent no.6 (SI Rajesh Kumar) to P.S. Begumpur for recording her statement and for registration of the FIR. She claimed that her statement was recorded by Constable Jyoti in the presence of a counsellor from an NGO, Smt Ganga. The petitioner claims that during this statement she had clearly indicated that some of the incidents had occurred while she was residing at Najafgarh. The petitioner was once again called to P.S. Begumpur on 13.10.2016 and alleges that she was compelled to make a complaint in her own writing. She also claims that she was forced by respondent no.6 not to write the place of offences as house no. 10/20 Paprawat Road, near Chawla Bus Stand, Najafgarh and thus, the complaint written in her own handwriting does not mention the said address.

4. On the basis of the complaint filed by the petitioner, Zero FIR was registered as, according to respondent nos.5 and 6, all incidents had occurred outside the jurisdiction of Begumpur Police Station.

5. Aggrieved by the same, the petitioner filed a complaint against respondent nos. 5 & 6 alleging that they had manipulated the contents of her complaint probably at the instance of the accused persons so as to register a Zero FIR.

6. In view of the complaint made by the petitioner, an inquiry was conducted against respondent nos. 5 & 6 and the inquiry officer found that

since the petitioner was an educated person and had written the complaint herself in her own handwriting - which did not mention that certain incidents had occurred in House no. 10/20 Paprawat Road, near Chawla Bus Stand, Najafgarh - the allegations made against respondent nos. 5 & 6 were not proved. The petitioner had also alleged that respondent no.6 had demanded money but she failed to provide any evidence of the same.

7. This Court does not find the aforesaid conclusion to be perverse or unreasonable and thus no interference with the inquiry report is called for. Even if it is assumed that the petitioner had initially reported that certain incidents had taken place at the house in Najafgarh where her husband and she were residing, the same cannot lead to the conclusion that respondent nos.5 and 6 had manipulated the FIR. Admittedly, the petitioner had written the complaint in her own handwriting and had not disclosed that any offence had taken place at the residence in Najafgarh.

8. In view of the above, the petition is dismissed. However, it is clarified that this would not preclude the petitioner from pursuing her allegations regarding any acts that she alleges occurred while she was residing at House no. 10/20 Paprawat Road, near Chawla Bus Stand, Najafgarh.

VIBHU BAKHRU, J

JANUARY 15, 2018

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