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

Date of Decision: 10.09.2018

\+ W.P.(CRL) 503/2018

SHASHI KR MAHAJAN & ORS ..... Petitioners

Through: Mr. Ashok Kumar Mahapatra, Advocate

versus

POLICE COMMISSIONER & ORS ..... Respondents

Through: Mr. Rahul Mehra, standing Counsel with Mr. Chaitanya Gosain & Mr. Tushar Sannu, Advocates for State
SI Mukesh Yadav & Insp./SHO Davender Singh, PS Jagat Puri

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

1. This petition has been filed by the petitioner and the relief claimed in the writ petition reads as under:

> *"a) issue an appropriate writ/ order/ directions the Respondents No.1 to frame, Regulations, guidelines and issue orders in such "Family Matters" as to how investigations have to be handled and guidelines be framed so that no hasty arrest is made to Senior Citizen as detailed in Paragraphs 38 to 42 in the Writ Petition under Art. 226(2) of the Constitution of India;*
>
> *b) pending amendments to be carried out in Cr.P.C., Police Authorities must have a column in case Diaries, where question/ answered/ interrogatories to be placed on*

Record during its Investigation irrespective from where it comes whether Accused/ Complainant during Investigations;

c) acknowledge accepting Documents from Accused/ Complainants for a fair, proper Investigation without taking sides of anyone;

d) direct Respondent No. 1 to take disciplinary actions against the Service Law, Regulations against Respondent Nos. 2, 3, 4 & 5;

e) direct Respondents to pay appropriate compensation to the petitioners taking into consideration the status of the petitioners and the social standing of such petitioners in the society;

f) to direct Respondent No. 3, to register a case against Respondent No. 6 for filing a false FIR under Section 211 IPC by exercising the inherent power of the Hon'ble Court.

g) Pass such further and other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. From the status report and the counter affidavits filed by the respondents, we find that on the basis of the complaint filed by respondent No.6 the matter was looked into and the FIR has been registered and challenging the same the petitioner has already moved the criminal court and has filed petitions under Section 482 for quashing the FIR and the proceedings registered for offences under various provisions of the IPC being Crl. M.C. No.3913/2014 and Crl. M.C. No. 3108/2016. Respondents point out that the petitioners having already set in motion the remedies available to him under the Criminal Procedure Code. Now in this Public Interest Litigation indulgence into the matter for quashing the criminal proceedings and the FIR cannot be looked into. The other prayer made

general in nature for issuing guidelines and instructions for arrest of senior citizens etc. is being looked into by a committee constituted by the Delhi Police on 06.09.2018 and this prayer, therefore, need not be considered by us now in this petition.

3. Apart from the fact that the matter is being looked into by the Delhi Police, the question of laying down guidelines for arrest of senior citizens and for dealing with family matters is an executive and administrative action to be considered by various authorities in accordance with the requirement of law and in this petition we see no reason to go into all these aspects of the matter and lay down the guidelines.

4. Accordingly, in view of the fact that the petitioners have already invoked the jurisdiction for quashing the criminal cases and FIR registered against them, we dispose of the matter granting liberty to the petitioners to prosecute the same and seek indulgence into the matter in the proceedings so initiated.

5. With the above observations, the writ petition stands disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 10, 2018/ns