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

+ W.P.(C) 1647/2018

PRADEEP SINGH

..... Petitioner

Through: Petitioner in person.

versus

STATE NCT OF DELHI & ORS

..... Respondents

Through: Mr Sanjoy Ghose, ASC, GNCTD
with Mr Gaganjot Singh, advocates
for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.11.2018

1. The petitioner has filed the present petition, *inter alia*, seeking the quashing of the Inquiry Report dated 29.09.2017, whereby the petitioner's allegation regarding tampering of records by the concerned investigating officer was found to be unsubstantiated. The petitioner further prays that directions be issued to respondent nos. 1 to 3 to take punitive action against respondent nos. 4 to 6 by removing them from their posts.

2. The petitioner claims that he had written a script of a play captioned "Chamatkari Baba", which was registered with the concerned Copyright Office on 04.07.2013 (Registration No. L-55613 of 2013). The script as originally registered, was of 24 pages. The petitioner rewrote the aforesaid play and added 14 other pages. The said script captioned "Chamatkari Baba Private Limited" was registered with the Registrar of Copyrights, Delhi on 23.12.2013. The petitioner further claims that the said play has been staged

on a number of occasions.

3. On 11.03.2016, a film captioned “Global Baba” was released. The said film was produced by one Sh. Vijay Bansal and the script of the film was stated to be written by one Sh. Surya Kumar Upadhyay. The petitioner claims that the said film is based on the petitioner’s script and is an infringement of his copyright.

4. On 09.05.2016, the petitioner filed a complaint with SHO, PS Sector-7, Rohini, Delhi alleging infringement of his copyright. Respondent no.4 (ASI) was assigned the work for initial investigation. Since the FIR was not registered, the petitioner filed a complaint under Section 156(3) of Cr.P.C. before the Court of CMM (North-West), Rohini and the same is pending.

5. It has been explained that the complaint was referred to the District Investigation Unit (DIU) for conducting an inquiry and submitting a report to the Court in the matter pertaining to Section 156(3) of Cr.P.C.

6. Insofar as the petitioner’s complaint for infringement of his copyright is concerned, the same is pending consideration and no orders in this regard are sought in the present petition. The petitioner’s grievance is with regard to the investigation carried out by respondent no.4 pursuant to the complaint filed by him with the SHO, PS Sector-7, Rohini, Delhi. It is stated that respondent no.4 had issued a notice on the persons accused of infringement of the copyright of the petitioner (the producer and the script writer of the film “Global Baba”) calling upon them to appear before respondent no.4. It is stated that instead of appearing before respondent no. 4, the said accused persons sent their reply on 03.06.2016, along with the documents. The petitioner claims that the documents submitted by the accused persons to

respondent no.4 at the material time, did not include the script, as it was subsequently placed on record. The petitioner, who appears in person, submitted that although an email is stated to have been sent by Sh. Surya Kumar Upadhyay enclosing therewith certain documents including copy of the story titled “Baba Tusi Great Ho”, no such document was in fact forwarded by the script writer. The petitioner claims that a false and fabricated status report was prepared by the concerned police officer to protect the accused persons. The petitioner had made a complaint in this regard, which was enquired into and was found to be unsubstantiated.

7. Assistant Commissioner of Police, Public Grievance has filed a status report indicating that an inquiry had been conducted with regard to the complaint made by the petitioner. However, the petitioner’s contention that the documents seen by him during the course of inquiry by respondent no.4 were different from the documents in the file, could not be substantiated as the petitioner was unable to produce the copy of the said documents.

8. The petitioner, who appears in person, referred to an email dated 25.08.2011 allegedly sent by Sh. Surya Kumar Upadhyay (the script writer) enclosing therewith script typed in Hindi captioned “Baba Tusi Great Ho”. He states that the said email did not contain any such script and the same had been fabricated subsequently to protect the accused.

9. The concerned Magistrate is examining the petitioner’s complaint under Section 156(3) of Cr.P.C. and there is no reason to believe that the Magistrate will not examine whether the allegations made by the petitioner, make out a case for infringement of copyright. Any grievance with regard to the investigation report can also be examined in the said proceedings.

10. Insofar as the petitioner's claim regarding tempering of records is concerned, the Vigilance Department has conducted an inquiry and has found the petitioner's claim against the concerned investigating officers to be unmerited. According to the petitioner, his complaint would be established if the email dated 25.08.2011 is examined by the Vigilance Department. According to him, the copy of the script, which was subsequently produced, was not attached with the said email.

11. This Court finds it difficult to accept that any interference with regard to the impugned inquiry report is warranted. The complaint made by the petitioner has been examined and there is little scope to examine the disputed facts. Nonetheless, this Court considers it apposite to direct the Assistant Commissioner of Police, Public Grievance Cell to examine the email dated 25.08.2011, stated to have been sent by Sh. Surya Kumar Upadhyay, to ascertain whether the script of "Baba Tusi Great Ho" was attached to the said email.

12. Needless to state that if the petitioner's allegation is found to be correct and that the said email is found not to enclose any attachment of the script, the respondents may take such steps as may be warranted.

13. No further orders are required to be passed in this petition.

14. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 12, 2018
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