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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1294/2016 and CRL M.A. 6765/2016

INDERJEET

..... Petitioner

Through: Mr Yogesh Dass, proxy counsel

versus

STATE, NCT OF DELHI & ORS

..... Respondents

Through: Mr Sanjay Lao, ASC for State
Mr Brajesh Kumar, Adv for R-4

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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16.01.2018

Several dates have been taken by the petitioner. Today also adjournment has been sought. This adjournment has been opposed. This court notes the record of the case. This court is not inclined to adjourn the matter further. Record shows that the present petition has been filed by the petitioner seeking the prayers detailed at Page 25 of the petition. The grievance is against respondent No. 5 who is stated to be the SHO of the concerned police station i.e. PS Aman Vihar at the relevant time. Prayer being that respondent No. 2 to 4 should take appropriate action against respondent No. 5 for not conducting uproar/investigation into the allegations which have been made by the petitioner. The petitioner has lost vision in his left eye and this is all

because of the investigative machineries not set into motion by respondent No. 5. A status report has been filed by the State. In this status report it is stated that the averments of the petitioner that while he was celebrating Holi on 24.03.2016 at about 11 am and while he was returning home, a police team headed by respondent No. 5 was seen beating the local people who were celebrating Holi in that gali. Four police personnel stopped him and also gave him beating out of which one of them had hit a lathi on his left eye. He was removed to Sanjay Gandhi Memorial Hospital where his MLC was conducted; he was declared blind in his left eye. This status report further states that although the complainant was fit for statement yet he did not give his statement either on 24.03.2016, 25.03.2010, 26.03.2016 and 27.03.2016. He has in fact not given his statement till date. He has not cooperated with the investigating agency at all pursuant to which investigation could not progress. The MLC of the petitioner does not refer to any assault by the police party in the history sheet. The contention of the respondents being that since no complaint has been given up to date and even the history chart does not mention any assault by the police party. The MLC has also been perused. This MLC is from the Sanjay Gandhi Memorial Hospital. This MLC does not support the stand of petitioner that he was left blinded in his left eye. This status report has been filed by the State on 05.09.2016 under the signatures of the then SHO PS Aman Vihar. Repeated dates have been taken after filing of the status report. As noted supra even today an adjournment has been sought. The petitioner has no case. This petition needs to be dismissed. It is accordingly

dismissed. The statement of the learned counsel for the State is taken on record which is to the effect that if the petitioner still has any grievance left, it is open for him to take appropriate action under Section 156(3) Cr.P.C.

Petition disposed of in the above terms.

INDERMEET KAUR, J

JANUARY 16, 2018
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