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

\+ W.P.(C) 6516/2016

RAJBIR MATHUR ..... Petitioner

Through: Counsel for the petitioner (appearance not given).

versus

STATE (GOVT. OF NCT OF DELHI) & ORS. ..... Respondents

Through: Mr Sachin Nahar and Mr V. P. Nahar, Advocates for R-1, 2, 3 & R-4.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 30.11.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

> "(i) Appropriate writ/order direction may be issued against the respondent no.1, 2 & 3, in the interest of Justice, equity, etc. as this Hon'ble Court may deem fit and proper under the aforesaid facts and circumstances
>
> (ii) Direct the respondents No.1, 2 & 3 to give reply of the representation dated 31.03.2016, within four weeks;
>
> (iii) The respondent Nos.1, 2 & 3 may be directed to conduct speedy & fair departmental enquiry against the respondent No.4 & 5.

2. It is stated that after filing the present petition, the petitioner filed yet another petition (W.P.(Crl.) 315/2016) making the following prayers:-

> "(i) to direct respondents No.3 and 4 to investigate the FIR No.52/2012 under sections 410/420/468/471/120-B/34 IPC PS Aman Vihar expeditiously.
>
> (ii) to direct respondent No.2 and 3 to hold departmental inquiry against respondents No.4 and 5.
>
> (iii) to direct respondents to give reply to the representation dated 04.01.2016 within four weeks."

3. The said petition was dismissed in default on 03.08.2016. And, the petitioner has taken no further steps for restoration of the said petition.

4. The petitioner seeks that a departmental inquiry be initiated against respondent nos.4 and 5. This prayer is premised principally on the allegation that the status report dated 14.03.2016 filed by the SHO Aman Vihar in W.P.(Crl) 315/2016 includes an incorrect statement to the effect that "*no incriminating evidence could have surfaced against head constable Bhuwan Chand"*

5. It is the petitioner's case that the said statement is incorrect as a contrary statement was made in the report dated 27.04.2014 submitted by the Additional Commissioner of Police to the Deputy Secretary, Public Grievance Commission. A copy of the said report has been placed on record. In the said report, it was, *inter alia*, sated as under:-

> *"…… During enquiry, HC Bhuvan Chand was interrogated in the presence of SI Virender Singh in whose presence he had allegedly confessed his guilt and his statement was also recorded."*

6. On a cursory reading, it does appear that the statement made in the status report is contrary to the statement made in the report submitted to the Public Grievance Commission. However, on a close examination, it is

apparent that the word “allegedly” as used in the report to the Public Grievance Commission, clearly indicates that Bhuvan Chand, Head Constable had not confessed to any guilt in his statement. It only indicates that there was an allegation that HC Bhuvan Chand had confessed to his guilt in presence of SI Virender Singh and, therefore, he was interrogated in the presence of SI Virender Singh and his statement was recorded.

7. Thus, the foundation of the petitioner’s case that there is a contradiction in the report submitted to the Public Grievance Committee and the status report filed in a writ petition in this Court in W.P.(Crl.) 315/2016, is flawed.

8. This Court finds no ground to pass the orders as sought for by the petitioner. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

NOVEMBER 30, 2018
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