

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

% Decided on: 7<sup>th</sup> December, 2018

+ **W.P.(CRL) 3544/2018 & CrI.M.A. 47691/2018**

**VEERARAGAVAN NANDAKUMAR**

..... Petitioner

Represented by: Mr. Dibyanshu Pandey, Adv.

versus

**THE STATE ( GOVT OF NCT OF DELHI) & ORS**

..... Respondent

Represented by: Mr. Rahul Mehra, Standing Counsel  
with Insp. Rajesh Mourya, SI Parmod  
Kumar PS Vasant Kunj (N)  
Mr. Viyay Kumar Jain, Adv. for  
R-3 to 11.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**MUKTA GUPTA, J. (ORAL)**

1. By this petition the petitioner seeks writ of mandamus to respondent No.2 to register FIR against respondents No.3 to 11 and all others in the crime. Admittedly the petitioner has not filed any complaint under Section 200 Cr.P.C. or an application under Section 156(3) Cr.P.C. and has directly approached this Court.

2. Case of the petitioner is that petitioner is an advocate in a case of Ms.X who got registered a FIR alleging sexual harassment against Dr. Ajay Kumar, Group of Adult Education, School of Social Sciences, JNU. Grievance of the petitioner is that since Ms.X was to travel to Denmark on 12<sup>th</sup> May, 2018 for hearing, she gave an authorization letter to the petitioner

authorizing the petitioner to collect any document including the report of the Internal Complaints Committee (ICC) from the ICC office on her behalf. On 5<sup>th</sup> November, 2018 an e-mail was received by Ms.X from Ms. Vibha Tandon, Presiding Officer, ICC informing about the recommendations of ICC and requiring Ms.X to collect the report as soon as possible either in person or through a duly authorized person along with the authorization. The petitioner along with the original letter of Ms.X went to the office of ICC on 6<sup>th</sup> November, 2018 after 2 PM to collect the report when he alleges that he was abducted by the officials from outside the building, assaulted and wrongfully confined in a room where ICC members tried to snatch petitioner's mobile which contained conclusive evidences of the crime, and thus FIR be registered on the said complaint.

3. On a notice being issued a status report has been filed. As per the status report on 6<sup>th</sup> November, 2018 a PCR call was received vide DD No. 36A at PS Vasant Kunj (North) regarding "quarrel at security office JNU". SI Pankaj reached the spot when he came to know that Ms. Kusum Joshi, PS to Ms. Vibha Tandon, Presiding Officer, ICC had called 100 number. She informed that one person namely Mr. Veeraragavan is asking for enquiry report of complaint of Ms.X who is currently in Denmark and is showing an authority letter issued in May, 2018. Since the authority letter was an old one, she refused to entertain the same and did not give the documents. On this Mr. Veeraragavan started shouting and quarrelling. Enquiry was also made from the petitioner who also stated that JNU authorities did not give him the documents relating to the complaints of his client and they were quarrelling with him. However no written complaint was given by any of the side. On 9<sup>th</sup> November, 2018 a complaint of Ms. Kusum Joshi was

received in writing at PS Vasant Kunj (North) through CSO/JNU noting the facts as noted above.

4. Case of the petitioner is that he has made a complaint through e-mail to the Commissioner of Police on the intervening night of 8 - 9<sup>th</sup> November, 2018 which was received in the Police Station on 21<sup>st</sup> November, 2018.

5. When this petition came up before this Court, this Court directed the State to ensure that the CCTV footage of the 6<sup>th</sup> November, 2018 is preserved. The CCTV footage which was preserved shows the following sequence of events.

|       |                                                                                                                                                                          |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14.42 | Vibha Tandon left ICC Room No. 230 Second Floor, Administrative Wing, JNU for meeting in other building of JNU.                                                          |
| 14.43 | Petitioner seen in Corridor of Second floor outside ICC Office as per CCTV Footage and enters the office of ICC                                                          |
| 14.49 | Mrs. Jaya Peon of ICC office goes out to the corridor as per CCTV footage                                                                                                |
| 14.56 | Utkarsh (respondent No.11) left ICC office to call security officials as Veeraghavan was doing video recording despite being objected to by Kusum Joshi; respondent No.8 |
| 14.56 | Utkarsh (respondent No.11) while in corridor shared the situation with Mrs. Jaya.                                                                                        |
| 14.56 | Rajni Vaid (respondent No.6) enters ICC office after being told by Mrs. Jaya. Her office is near to the ICC office.                                                      |
| 14.57 | Adarsh, Student JNU also comes to the ICC office.                                                                                                                        |
| 14.57 | Harshita, student member (respondent No.9) also comes to ICC office after becoming aware about the ruckus created by Veeraghavan                                         |
| 14.58 | Security Guard Naresh and another employee Vinay enters                                                                                                                  |
| 14.58 | Utkarsh comes back to ICC office with one female Security Guard.                                                                                                         |
| 15.01 | Petitioner comes out with security guard and seen doing video recording on his mobile                                                                                    |
| 15.08 | Adarsh, Rajni, Utkarsh, Harshita, Kusum, Vinay leaves ICC                                                                                                                |

|       |                                                                                           |
|-------|-------------------------------------------------------------------------------------------|
|       | office                                                                                    |
| 15.05 | Petitioner seen going out alone at Ground Floor reception gate followed by SecurityGuard. |

6. In the CCTV footages there is no evidence of any physical assault or snatching of I-card of the petitioner and the petitioner was being asked to not to do video-recording which he insisted. As per the CCTV footage the petitioner is himself seen holding his mobile phone and recording the video.

7. Considering the facts noted above, no cognizable offence having been made out this Court finds no ground to direct registration of FIR, however the petitioner would be at liberty to take alternate remedies of filing a complaint if he so desires.

8. Petition is dismissed.

**(MUKTA GUPTA)**  
**JUDGE**

**DECEMBER 07, 2018**  
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