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

+ **W.P.(CRL) 2806/2017**

SUNIL SHARMA & ORS Petitioners

Represented by: Mr.Sumit Chaudhary and
Ms.Akanksha Bansal, Advocates

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Represented by: Ms.Nandita Rao, ASC for the State

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **24.07.2018**

1. The petitioner has filed the present petition seeking transfer of inquiry of the complaint dated 12th September, 2017 to the CBI.
2. A detailed status report has been filed by the State as per which the complaint dated 12th September, 2017 filed by the petitioner to the Commissioner of Police alleged that the SHO, SI Amit, HC Anand and Const.Rameshwar used to threaten the owners and demanded illegal money otherwise he would be impleaded in false cases. It is also alleged that on 10th September, 2017, SI Sunil, Jai Ram, Pradeep Kundu, Pradeep, Gaurav and three unknown police officers came from PS Subhash Place armed with pistols and dandas, forcefully entered into the club and started demanding ₹2,40,000/- as the monthly. When the Manager of the club Pramod Kumar Sahu requested them to talk to the owner, the police officers closed the door

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of the club and started mercilessly giving beatings to Pramod and Guddu Kumar with dandas and floor wiper.

3. On an inquiry conducted by the Vigilance Branch of North West District, it was revealed that on 10th September, 2017, a PCR call was received which was recorded vide DD No.44-A regarding quarrel at Moment Club and the same was entrusted to SI Sunil Kumar who reached the spot and met one Akash and his friend Nitesh who alleged that the club members were beating them. Thus both the complainants with club staff Prince @ Govind and Guddu were brought to the police station when Akash further stated that some more club members have given beating to them. So SI Sunil Kumar along with his staff and complainant again went to Moment Club. When they reached there, he found that a Hukka was lying on the table which was taken into possession. In the meanwhile, Pramod Kumar, Manager of the Moment Club and Sunil, Manager of Mix Club along with one two other employees of Mix Club came there and tried to stop them. SI Sunil Kumar and his staff went to Mix Club to identify the person who gave beating to the complainant. He also found one Hukka which was also seized. While seizing the flavour of the Hukka, the staff of Mix club removed the seized Hukka and entered into scuffle with the police officers who thus returned to the police station with the complainant. Akash and Nitesh were medically examined and FIR No.457/2017 under Sections 323/341/34 IPC was registered. Further action under Section 28/112 DP Act was also taken against two clubs for providing Hukka services.

4. The entire incident as noted above was recorded on the CCTV footage which did not reveal that either any snatching on the gunpoint was done or

that there was some extortion of money. However the CCTV footage also noted that SI Sunil Kumar and Const.Pradeep had beaten some club staff members with the wiper and with fist and blows, thus departmental action is being taken against the two police officers that is SI Sunil Kumar and Const. Pradeep. From the documents enclosed and inquiry conducted it cannot be inferred that the investigation in the complaint is not in a fair and free manner.

5. Considering that the officers reached the club only after a PCR information regarding a quarrel was received and there is no evidence of alleged extortion, this Court finds no ground to pass any further orders in the petition.

6. Petition is dismissed.

MUKTA GUPTA, J.

JULY 24, 2018
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