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

+ **W.P.(CRL) 3268/2019**

SHIV KUMAR

..... Petitioner

Through: Mr K. K. Koul, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Mr R. S. Kundu, ASC (Crl.) for Ms
Nandita Rao, ASC (Crl.) for State
with SI P. L. Meena, PS Aman Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.11.2019

CRL.M.A. 40873/2019

1. Allowed, subject to all just exceptions.

W.P.(CRL) 3268/2019 & CRL.M.A. 40872/2019

2. The petitioner has filed the present petition, *inter alia*, impugning a notice dated 11.06.2018 and a supplementary notice dated 15.08.2019, passed by the Additional Deputy Commissioner of Police.

3. A perusal of the said notice dated 11.06.2018 indicates that the same had been issued under Section 50 of the Delhi Police Act, 1978 and the petitioner has been called upon to appear before the Court at the DCP's office. The said notice dated 11.06.2018 had been issued in connection with five FIRs stated to have been lodged against the petitioner with PS Aman Vihar. It is alleged in the notice that witnesses are not coming forward to depose against the petitioner, due to fear to their person and property. The learned counsel appearing for the petitioner has drew the attention of this

Court to the Supplementary notice dated 15.08.2019. He points out that the said notice dated 15.08.2019 also mentions five FIRs including FIR No.1297/2017 registered with PS Aman Vihar. He points out that the said FIR is registered under Section 363 of the IPC. However, notice mentions the said FIR to be in relation to an offence under Section 420/468/471 of the IPC. He submits that the said notice is erroneous.

4. He also submits that all the FIRs have been registered at the instance of the same complainant and there is no element of public interest/public order involved in these cases. He also states that there is a civil dispute pending between the petitioner and the complainant and cross complaints have been filed.

5. Since the present petition impugns only show-cause notices, this Court does not consider apposite to interfere with the same at this stage. It is always open for the petitioner to advance all contentions, including as advanced in this petition, before the concerned authority.

6. It is expected that the concerned authority will consider the contentions advanced by the petitioner and take an informed decision in that regard. It is also clarified that if any decision adverse to the petitioner is taken, the petitioner is not precluded from availing such remedies as available in law.

7. The petition is disposed of with the aforesaid observations.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 22, 2019/MK