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

+ W.P.(C) 1354/2019 & CM Nos. 6178/2019 & 6179/2019

ANIL DUTT SHARMA

..... Petitioner

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

versus

LT. GOVERNOR OF DELHI AND ORS.

..... Respondents

Through: Mr Sanjoy Ghose, ASC, GNCTD
with Ms Urvi Mohan, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.02.2019

1. The petitioner has filed the present petition impugning an order dated 30.07.2018 (hereafter 'impugned order') passed by respondent no.2 (the Police Complaint Authority – PCA). By the impugned order, the PCA rejected the contention that the FIRs/criminal cases registered against the petitioner were malafide or that the petitioner had been illegally detained.
2. The petitioner is an accused in twelve FIRs, which have been registered in different police stations of North East and Shahdara District of Delhi. The petitioner had alleged that he had been falsely implicated in eight cases of extortion and four cases under Prevention of Corruption Act, 1988 (POC).
3. It is the petitioner's case that all the aforesaid 12 FIRs were

registered by a single builder in order to falsely implicate the petitioner. He had further alleged that he had been illegally detained inasmuch the detention was even prior to the registration of an FIR.

4. PCA had considered the aforesaid contentions and rejected the same. Insofar as the registration of FIRs is concerned, PCA had called for reports of the Vigilance Department of Delhi Police and had also heard the concerned parties. PCA found that cases were registered in various police stations after obtaining the necessary approvals from the respective competent authorities, and after verification of the facts as mentioned in the respective complaints. It is also noticed that the trial in certain cases had already begun.

5. With regard to the petitioner's complaint of illegal detention, it was noted that a complaint had been received by the Anti Corruption Branch and, therefore, a trap had been laid for arresting the petitioner. PCA noted that Shri Joginder Singh (the complainant in one of the cases) had approached the Anti Corruption Branch on 24.06.2014 at 10:45 a.m. Based on his complaint, the Anti Corruption Branch had proceeded to lay a trap for the petitioner at about 2:00 p.m. The Inspector had accompanied the IO at about 2:30 p.m., and the raiding teams had taken positions near the places where the petitioner was supposed to reach and collect the bribe by impersonating as JE/MCD. The trap ended successfully at 2:35 p.m., and the petitioner was caught red handed and an amount of ₹1 lakh, allegedly paid as bribe, was recovered from him in the presence of independent witnesses.

6. It is stated that till about 7:00 p.m., the concerned officer who had

laid the trap was busy in completing the related paper work including the seizure of the amount recovered from the petitioner, and he had kept the petitioner with him as the petitioner was required to respond to various queries. Thereafter, a *rukka* was dispatched through a special messenger to the Duty Officer, PS AC Branch for recording of an FIR. It is stated that the entire record of proceedings alongwith the seizure memo and the amount recovered, was handed over to the IO.

7. The petitioner was formally arrested at 10:15 p.m. and was medically examined at a government hospital. He was subsequently produced before a Judge of the designated

8. The PCA reasoned that the petitioner could not have been allowed to leave after he had been caught red handed.

9. The learned counsel appearing for the petitioner has assailed the impugned order, essentially on two fronts. First, he submits that the said order was contrary to an earlier order passed by PCA on 22.11.2017, wherein the PCA directed that a lie detector test be organised for considering the veracity of the allegations made by the petitioner. He submitted that no such lie detector test was organised and the said direction had been completely ignored. He also contended that the order dated 22.11.2017 was passed by PCA consisting of two members. However, the same was overruled by the impugned order, which has been passed by a single member. Second, he submitted that the PCA had failed to consider the audio recordings of the telephone conversation between two builders, which indicates that lodging of the FIRs was a coordinated exercise.

10. This Court is not persuaded to accept that any interference in the impugned order is warranted on the aforesaid grounds. The order dated 22.11.2017 was an interim order, where the Addl. CP (Vig.) was directed to organise a lie detector test in CFSL.

11. Subsequently, PCA examined the records and found that the cases had been registered on complaints received from different sources and individuals. The necessary approvals for registering of the FIRs was taken, and further, the facts were duly verified.

12. It is obvious that after examination of the records, PCA did not feel it necessary for the petitioner to undertake any lie detector test. It is also relevant to note that a registration of an FIR is only the commencement point for conducting full-fledged investigation. It is further noticed that, thereafter, investigation had been carried out and trial had already commenced in few of such cases. The contention that a lie detector test was required to be undertaken and the said procedure could not be departed from, is unmerited. The PCA was examining the complaint made by the petitioner, and it was open for the PCA to pass the final order if sufficient material is available for the PCA to take an informed view.

13. The contention that the PCA ignored the audio recording of certain conversations, which vitiated the impugned order, is also unmerited. The PCA had examined the concerned parties and had found that different persons had lodged complaints. A tabular statement of the FIRs filed has been noted in the impugned order. It is also noted that due approvals of the competent authorities were taken for lodging the same. Thus, the allegation that lodging of the FIRs was malafide, was rejected.

14. The PCA is not required to conduct a full-fledged trial but only to ensure that the integrity of the system is not subverted. It is apparent from the impugned order that PCA found that the checks and balances in the system were duly functional, as the due verification of approvals were taken from the competent authorities. Lodging of the cases was not left to the sole discretion of the lower police formations and, therefore, the allegations made by the petitioner were rejected. It is relevant to observe that this does not, in any manner, preclude the petitioner from defending the allegations made against him and producing the necessary evidence in support of his defense.

15. As noticed above, the scope of the inquiry before the PCA is limited, and this Court finds no infirmity with the impugned order. The petition is, accordingly, dismissed.

16. All pending applications stand disposed of.

VIBHU BAKHRU, J

FEBRUARY 08, 2019
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