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

+ **W.P.(CRL) 1946/2019**

SHIV KUMAR & ORS.

..... Petitioners

Through Mr. Dharmendra Kumar, Irfan
Hussain Alvi, Mr. Kshitij Kumar Jha
and Mr. Nitin Sharma, Advs.

versus

STATE & ORS.

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel
(Crl).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.12.2019

Crl. M.A. No.39518/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(Crl.) No.1946/2019 & Crl. M. A. No.39517/2019

3. By an order dated 01.11.2019, this Court had directed the Commissioner of Police to examine the conduct of one of the alleged police officials who was seen walking in a public street brandishing a firearm. This Court is informed that the ACP (PG Cell) has caused a show cause notice to be issued to the concerned police official and the subject matter is being inquired into.
4. Mr. Mehra, learned Standing Counsel assures this Court that if any official is found to be remiss, necessary action would be taken in accordance

with law.

5. Insofar as this petition is concerned, the learned counsel appearing for the petitioners contends that they are being falsely implicated. He drew the attention of this Court to the FIR bearing No. 492/2019 under Sections 25/54/59 of the Arms Act, 1959 registered with PS Ambedkar Nagar. He pointed out that opening paragraph of the said FIR indicated the names of police officials who were involved in taking action pursuant to an alleged secret information received by them.

6. He submits that names of respondent nos. 6 and 7 (ASI Paramjit and HC Sunil, respectively) are not amongst the names of police officials who were on patrolling duty. He submits that it is apparent that the said officials were not on duty at the given location. He submits that the petitioners apprehend that they are being falsely implicated at the instance of respondent nos. 6 and 7, as they had made certain complaint against them.

7. Mr. Mehra counters the aforesaid contention. He states that even though Respondent nos. 6 and 7 were not part of the patrolling team, they had joined operations on further enforcement being called.

8. The learned counsel appearing for the petitioners also states that there are audio recordings to substantiate their allegations that they are being falsely implicated and the same also establishes that their apprehension that may be liquidated, is justified.

9. This Court is not inclined to examine the allegations against respondent Nos.6 and 7 in these proceedings. In the first instance, it would be apposite to address the complaints to the concerned department. If the Competent Authority finds that the aforesaid allegations may have any substance, a proper inquiry against respondent nos. 6 and 7 is required to be

instituted.

10. In the given circumstances, this Court directs the Commissioner of Police to peruse the present petition and assign the matter for further inquiry to a senior official who is unconnected with the complaint/FIR against the petitioners. The petitioners shall be informed of the outcome of their complaint.

11. No further orders are required to be passed in this petition.

12. The petition stands disposed of. All pending applications are also disposed of.

VIBHU BAKHRU, J

DECEMBER 18, 2019

DR