

\$~3

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

+ **W.P.(CRL) 2163/2019**

HARDEEP SINGH

..... Petitioner

Through: Mr Rajeev K. Sharma and Ms Megha
Sharma, Advocates.

versus

STATE & ORS.

..... Respondents

Through: Ms Nandita Rao, ASC (Crl.) for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

19.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to amend the FIR bearing no. 11/2014 and implicate the senior police officials. According to the petitioner, the said FIR, as lodged, does not mention the senior officials who are responsible for the offences and against whom allegations have been made.
2. It is relevant to note that the petitioner had filed an application under Section 156(3) of the Cr.P.C. on 15.01.2014. It is stated that after the said application was filed, the FIR in question was lodged. It is, thus, clear that the fact that an FIR was lodged in the knowledge of the petitioner way back in the year 2014. The petitioner claims that although he had engaged a counsel and had taken steps for lodging the FIR, he did not examine its contents. According to him, a copy of the FIR was not made available to him.

3. There is no material on record which indicates that he had immediately thereafter sought a copy of the said FIR from the police authorities.

4. If the petitioner is to be believed, it must be accepted that he did not find it worthwhile to examine the FIR, which was registered at his instance.

5. It is now stated that the previous counsel of the petitioner did not provide him any document but instead pressurized him to settle the matter with the police authorities. This led the petitioner to make a complaint against his counsel before the Delhi Bar Counsel. In the reply filed by the petitioner's erstwhile counsel in response to the complaint filed by the petitioner, he appended a copy of the FIR in question. The petitioner claims that the same was filed recently and it is only at that stage, the petitioner had the opportunity to examine the FIR.

6. It is also relevant to note that the petitioner had filed another writ petition being W.P.(Crl.) 179/2018, *inter alia*, praying that the investigation be transferred to CBI. In this petition as well, the petitioner had reiterated his allegations as stated in the present petition.

7. This Court is informed that the petitioner had also filed an earlier writ petition being W.P.(Crl.)1071/2014. By way of the said petition, the petitioner had prayed that investigation in respect of FIR No. 11/2014 be transferred to some independent agency. The said petition was disposed of by an order dated 26.02.2015, rejecting the petitioner's prayer for transferring the investigation to CBI. However, the Court had directed that investigation be transferred to Vigilance Branch.

8. Clearly, this also establishes that the petitioner was aware of the proceedings in the said FIR. This is obvious from the fact that he had made allegations regarding the manner in which the investigation was being conducted. Most of these allegations are also reiterated in this petition and W.P.(CrI.) 179/2018 as well.

9. In view of the above, this Court is of the considered view that the present petition is an abuse of the process of Court. The petitioner has, clearly, feigned ignorance of FIR in respect of which he had sought relief in earlier petitions. The explanation put up by the petitioner, that his counsel had not made him aware regarding the said FIR, is difficult to accept considering that the petitioner has actively pursued the litigation; he has filed three writ petitions (including the present one) before this Court and had also filed an application under Section 156(3) Cr.P.C. for registration of an FIR.

10. The petition is founded on the assumption that the petitioner was not aware of the contents of the said FIR at the material time. Since this court does not accept this, the petition must fail as being highly belated.

11. In view of the above, the petition is dismissed with costs of ₹25,000/-. The costs shall be deposited with the Delhi High Court Legal Services Committee within a period of two weeks from today.

VIBHU BAKHRU, J

SEPTEMBER 19, 2019/RK