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

+ CRL.M.C. 4598/2019

NITISH GAHLOT & ANR.

..... Petitioners

Through Mr. Ajayinder Sangan, mr. V P
Singh, Mr. Prashant Sharma, Mr. Avi
Dhankar, Mr. Sachin Chaudhary &
Mr. Summinder, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through Mr. Panna Lal Sharma, APP for State
Insp. Baljit Singh & ASI Shailender
Singh

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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18.10.2019

On 13.09.2019 the complainant Rajat Sikri was present in Court who stated that the incident took place due to the reason that he had visited the restaurant of the petitioner no.1 where *hukka* was being served to the minors. Accordingly, he called the SHO, PS Mohan Garden at his mobile number 8750871029 to take action against the same, however, he replied that if he has solid evidence, only then make a complaint and not otherwise. The complainant then took the photographs of the same and sent to SHO on his mobile no. 8750871029, however, no action was taken. Thereafter, he informed the same to the Dy. Commissioner of Police, Dwarka and on his direction present FIR was registered. He also disclosed that after lodging FIR, he received calls on his mobile number 9999065534 from ASI Shailender Singh, I.O. of the present case from his mobile number

7982586278 and asked him to collect his MLC from the concerned hospital. Finally, he went to the police station and met the I.O. of the case where the petitioners/accused were also present. On that very day, while he was present in the police station, SHO of PS Mohan Garden called his father and asked him to tell his son to compromise the matter and get the FIR quashed.

In view of above, the Commissioner of Police, Delhi, was directed to initiate an inquiry through an officer not below the rank of DCP against the SHO, Baljeet Singh, Mohan Garden and ASI Shailender Singh and action taken report was to be produced on the next date of hearing. The Court further directed that keeping in view the conduct of the SHO and ASI named above, such officer should not be posted as Station House Officer and in the police station respectively. Accordingly, steps shall be taken by the Commissioner of Police to transfer the above mentioned officers at appropriate place so that they do not play with the sentiments of the victim and the public. Further, the Court also directed DCP (Dwarka) to provide security to the complainant to avoid any untoward incident.

Pursuant to the aforesaid order dated 13.09.2019, enquiry proceedings were conducted by the Addl. DCP (Vigilance) Modh. Ali and the proceedings of the enquiry have been produced by the ACP Narender Singh Minhas. On perusal of the enquiry report, the Court put certain question to the ACP but he could not reply and sought time to verify the roznamcha dated 03.03.2019 regarding the complaint in question, to assist the Court in the matter.

Today, roznamcha has been produced whereby it is established that the complainant has not given clear picture to this Court and what he stated, does not match with the proceedings carried out by the I.O.

From a perusal of the enquiry report filed by the ACP named above, I am satisfied that there were no lapses on the part of the SHO and ASI, P.S. Mohan Garden. Accordingly, I hereby expunge all the observations made by this Court against the aforesaid officers in order dated 13.09.2019.

It is informed that pursuant to the directions passed by this Court, the aforesaid officers were transferred. In the interest of justice and to be fair on my part, I hereby direct the Commissioner of Police to transfer these officers back to their postings as were on 13.09.2019. The posting orders of the above named officers shall be issued within 2 days from receipt of this order.

The Dy. Commissioner of Police (Dwarka) is directed to withdraw the security provided to the complainant pursuant to the orders passed by this Court.

Needless to say that if any untoward incident happens, complainant is at liberty to inform the police at PCR No.100 or the concerned police station.

No further directions are required to be passed.

SURESH KUMAR KAIT, J

OCTOBER 18, 2019/sm