

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

% Decided on: 8th April, 2019

+ **W.P.(CRL) 2207/2018**

RITESH GOEL ... Petitioner

Represented by: Mohan S., Advocate

versus

STATE AND OTHERS ... Respondents

Represented by: Mr. R.S. Kundu, ASC for the State
with Mr. Hitesh Vali, Advocate,
ACP K.G. Tyagi and SI Dinesh
Malik, PS Subhash Place.
Mr. Pawan K. Bahl, Advocate for
Respondent No.5 and 6 with
Respondent No.6 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

W.P.(CRL) 2207/2018 and Crl. M.A. No.28481/2018 (directions)

1. By this petition, the petitioner prays as under:

A. Issue an appropriate Writ/Order/Direction to SHO Satish Kumar, SI Vinod, P.S. Netaji Subhash Place restraining them from harassing the Petitioners by abusing their powers under the law and take appropriate action against their conduct.

B. Direct SI Vinod to hand over the original documents – Passport, pan Card, Aadhar card, gas connection pass book, acceptance letter to pay Rs.25 lacs in favour of Respondent No.6 to the Petitioner.

C. Direct the enquiry to vigilance department of Police as SHO Satish Kumar and SI Vinod worked as a recovery agent and illegally detained the Petitioner and also illegally possesses the important/vital documents of the Petitioner.

2. Brief facts leading to the present petition are that on 6th July 2018, Respondent no.6 had filed a complaint with PS Subhash Place vide DD No.44B wherein he alleged that the petitioner who was in the real estate business induced and allured him and his father to purchase the built up property bearing number 34, Pocket B, Sector-5 Bawana, Delhi measuring 100 sq. meters and assured them that he was the owner of the said property. On his assurance Respondent No.5 and 6 agreed to purchase the property for a total consideration of Rs.60,21,000/-.

3. As per the complaint on 18th November 2017 an agreement to sell and purchase was executed between Respondent No.6 and the petitioner pursuant to which he paid a sum of Rs.5,00,000/- to the petitioner as Bayana. The balance amount was to be paid at the time of handing over of the physical possession of the property within 120 days. On repeated requests of the petitioner regarding his urgent need for money, respondent no. 6 paid Rs.7,50,000/- to the petitioner in February 2018 and Rs.2,50,000/- on 5th April 2018. As per the agreement the sale transaction was supposed to be completed by 18th March 2018 but the petitioner failed to execute the said agreement. When Respondent No.6 made some enquiries, he found out that the petitioner was not the owner of the said property.

4. The complaint was entrusted to SI Vinod of PS Subhash Place for necessary action. On 8th July 2018 a PCR call was made by the Petitioner

for a quarrel that had taken place between him and one person namely Vishal near Netaji Subhash Complex. During this time Respondent no.5 and 6 were present at the police station as they had come to enquire about the status of the complaint filed by them. On seeing the petitioner respondent no.6 met SI Vinod and asked him about the complaint lodged by him. SI Vinod informed them that the enquiry with respect to the complaint was still pending.

5. Pursuant to the filing of this petition a vigilance inquiry was conducted by the ACP (Vigilance) under the supervision of DCP (North). During the course of enquiry one person namely Rajinder Singh, friend of the petitioner was examined who stated that he was present at Netaji Subhash Complex when a minor quarrel took place between the petitioner and one person namely Vishal. A PCR call was made by the petitioner in this regard. He along with the Petitioner and Vishal went to the Police station where the parties amicably settled their disputes. He further stated that they also met Respondent No.5 and 6 at the police station and all of them left from there after informing the Enquiry Officer that they would settle their matter amicably. Later on, both the parties went to a park adjoining the police station and both of them agreed to settle their disputes with respect to the amount of Rs.25,00,000/- taken by the Petitioner in lieu of the sale of plot in Bawana, Delhi. The petitioner had given his passport and other original documents to Respondent No.5 as security till the amount due to him was returned. He further stated that the police did not put any pressure on the parties to negotiate the matter.

6. With respect to the grievance of the petitioner regarding no medical examination, the PCR staff was examined who stated that both the parties involved in the quarrel were asked to undergo medical examination but both of them declined the same.

7. As far as the allegation leveled by the petitioner against police officials with respect to taking of his original documents are concerned, the same could not be established as the petitioner's friend Rajinder Singh in his statement stated that the petitioner had voluntarily handed over the same to Respondent no.5 and 6. The petitioner also alleged that his mobile phone was not with him while he was in the police station. As per the Call Detail Records of his mobile phone, he made 30 phone calls on 8th July 2018 from 12:58 P.M. to 6:40 P.M.

8. The petitioner never made any PCR call or lodged any complaint with respect to his illegal detention or unauthorized seizure of original documents. Hence the allegations in petition and further claims being unsubstantiated, petition and application are dismissed.

न्यायमेव जयते

(MUKTA GUPTA)
JUDGE

APRIL 08, 2019

‘vj’