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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(CRL) 3330/2018 & CRL.M.A. 35307/2018 & CRL.M.A.  
50087/2018

GAUTAM PRAKASH

..... Petitioner

Through: Mr Sachin Dutta, Sr. Advocate with  
Mr Nitinjya Choudhary, Advocate.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Piyush Singhal, Advocate for Mr  
Ashish Aggarwal, ASC for State with  
SI Puran Singh, PS Gokulpuri.  
Mr Shubhanshu Gupta, Ms Aastha  
Lumba and Mr Kabir Chhilwar,  
Advocates for R-3.  
Ms Niyati Kohli and Mr Raghav  
Pandey, Advocates for R-4.  
Ms Neelima Tripathi and Ms Vrinda  
Arora, Advocates for R-5.  
Mr Ashim Sood, CGSC with Ms  
Payal Chandra, Advocates for R-6 to  
R-8.  
Mr H. S. Parihar and Mr Kuldeep S.  
Parihar, Advocates for R-9.  
Mr Ajit Sharma, Senior Standing  
counsel with Mr Rishabh Sharma,  
advocates for Income Tax/R-11.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**06.11.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as  
under:-

“A) Direct the Respondent Nos.1 and 2 to take cognizance of  
the complaint made by the Petitioner and register a First

Information Report on the basis of the Petitioner's written complaint dated 15<sup>th</sup> April 2018 to SHO, Gokul Puri Police Station and consequently direct the Respondents to protect the Petitioner's fundamental rights enshrined in Article 21 of the Constitution of India, by providing appropriate security and direct authorities to investigate into facts of issuance of the representations made to various authorities on the Petitioner's behalf;

B) direct that all correspondence/representations /complaints made through the misuse of the Petitioner's name as, annexed in Annexure "C" and "D", be deemed to have been closed/withdrawn in order to protect the Petitioner's rights to privacy under Article 21 of the Constitution of India;

C) That there shall be no reliance placed or action taken by the Departments/ Authorities mentioned in Annexure 'B' on the basis of the unsigned representations/ complaints dated 28<sup>th</sup> March 2018, 30<sup>th</sup> April 2018 and 30<sup>th</sup> September 2018 or any future representation sent out in the name of the Petitioner."

2. It is the petitioner's case that complaints have been filed before various authorities in the name of the petitioner and the concerned authorities, namely, respondent nos.1, 2, 5 to 12 are investigating the matter based on such complaints. Mr Dutta, learned senior counsel appearing for the petitioner states that the said complaints are unsigned and, therefore, none of the authorities ought to have taken cognizance of such complaints. He states that directions should also be issued for the registration of a FIR for impersonation of the petitioner.

3. Insofar as the directions for registration of the FIR is concerned, the petitioner has an alternative remedy by filing a complaint under Section 154(3) of the CrPC and if the police authorities do not register a FIR, he is also at liberty to make an application under section 156(3) of the CrPC. In

view of this alternative remedy, this Court does not consider it apposite to issue any directions in this regard.

4. Insofar as the petitioner's grievance regarding commencement of the investigation on the complaints filed in his name is concerned, the learned counsel appearing for respondent nos.6 to 8 state, on instructions, that they have stopped further investigation regarding the complaints. The learned counsel appearing for respondent no.5 states that although investigations had commenced, the same have been stopped in view of the orders passed by this Court.

5. This Court is not persuaded to issue any blanket directions to interdict any authority/agency from commencing or carrying out any investigations. However, it is clarified that any unsigned complaint received in the name of the petitioner will be treated as an anonymous complaint. Plainly, if the procedure adopted by the concerned authorities permits investigation on the basis of an anonymous complaint; nothing stated by this Court in the previous orders shall preclude the said authorities from carrying out such investigation.

6. The respondents shall also take into account the petitioner's statement that he has not filed any complaint, before issuing any further communications to him.

7. No further orders are required to be passed in this petition. The same is disposed of. The pending applications are also disposed of.

**VIBHU BAKHRU, J**

**NOVEMBER 06, 2019/MK**