

12 ✓
\$~28

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

+ **W.P.(CRL) 3612/2018 and CRL.M.A. 48218/2018**

VINAY SINGH

..... Petitioner

Through: Mr Siddharth Aggarwal, Mr Arjun Dewan, Mr Siddharth Satija, Ms Soumya Vaishy and Mr Uday Bedi, Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr Sanjay Lao, ASC for State with Mr Karanjeet Sharma, Advocate with SI Manjeet, P.S. Fateh Pur Beri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

22.10.2019

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

- “(a) Issue a writ of mandamus or order or direction to direct reinvestigation into the FIR No. 490 of 2015 dated 15.07.2015 lodged at PS Fatehpur Beri, through any police Station other than Fatehpur Peri, Malviya Nagar and Mehrauli;
- (b) Issue a writ of mandamus or order or direction to quash FIR No. 490 of 2015 dated 15.07.2015 lodged at PS Fatehpur Beri and the proceedings pursuant thereto;
- (c) Pass an appropriate writ or order or direction directing the Respondent No. 11 to set up a Special Investigation Team to investigate the collusion between officials posted at PS Fatehpur Beri between 2015-17 and Respondent Nos.2 to 7;”

2. It is the petitioner's case that the FIR in question, that is, FIR No.

490/2015 under Sections 341/354/506/509/34 of the Indian Penal Code, 1860, registered at PS Fatehpur Beri, was registered without making any inquiries from the petitioner, who is stated to be one of the accused. It is stated that subsequently a chargesheet has also been filed, however, no prior investigation was conducted and no inquiries were made with the petitioner before filing the said chargesheet.

3. The aforesaid facts are substantiated by the status report filed by the Commissioner of Police, pursuant to the orders passed by this Court. In his status report, he has stated that there are three groups of persons who are indulging in land grabbing and extortion in areas of Fatehpur Beri, Mehrauli and Malviya Nagar. It is stated that these groups are inimical to each other.

4. It is stated that one of the groups is headed by one Kiran Singh @ Kinni. He along with his associate Archana Yadav, had filed over five hundred cases in different police stations and he is also involved in many cases registered with those police stations. It is also stated that thirty-three FIRs have been lodged against the group led by Kiran Singh in various police stations.

5. The FIR in question (FIR No. 490/2015) is lodged at the instance of Mukesh Devi wife of Rajpal, brother of Kiran Singh. She had alleged that at about 06:00 a.m. she was coming to her home after buying vegetables from the main road market. At that stage, the accused persons who also reside in the same locality stopped her on the road and had abused her and also threatened to kill her. She also stated that one of the accused had pushed her "breast with bad intention".

6. The status report filed by the Police Commissioner also indicates that

(14)

the petitioner's father is involved in another group and same is inimical to Kiran Singh's group.

7. Clearly, the chargesheet was not required to be filed unless a due inquiry had been made. If the police authorities believed that the FIR has been filed on account of one group being inimical to the other; all the more reason that the same is properly investigated before any chargesheet is filed. Admittedly, in the present case, no inquiry has been made from the petitioner.

8. This Court is of the view that the concerned authorities are required to make a proper inquiry and if it is found that a group of persons is indulging in filing false FIRs, it is necessary that they be prosecuted to the full extent of the law.

9. In the present case, this Court considers it apposite to quash the chargesheet and direct the matter to be re-investigated by the Crime Branch, STF, (Sunlight Colony). Since there are certain allegations made against the police officials of the concerned Police Stations, the team of investigating officer shall not include those officials. The Commissioner of Police is directed to take necessary steps for transferring the investigation to the Crime Branch as directed.

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


VIBHU BAKHRU, J

OCTOBER 22, 2019/RK