

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 10, 2019

+ **CRL.M.C. 5246/2017 & CRL.M.A. 20602/2017**
+ **CRL.M.C. 5286/2017 & CRL.M.A. 20740/2017**

THE STATE GOVT OF NCT OF DELHI Petitioner
Through: Mr. Rajesh Mahajan, Additional
Standing Counsel with Ms. Jyoti
Babbar, Advocate with SI Naeem

Versus

BSES YAMUNA POWER LTD Respondent
Through: Mr. Darpan Sachdeva, Advocate
for Mr. Sunil Fernandes, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

The above captioned two petitions arise out of CC No. 477/2016 and CC No. 2148/2016 and since the challenge to the impugned orders of 21st September, 2017 & 31st August, 2017 is on identical grounds, therefore, with the consent of learned counsel for the parties, both the petitions have been heard together and are being disposed of by this common order.

Trial court upon finding that the original complaint on the basis of which the FIR in question was registered is not traceable, has embarked

upon an enquiry and has called upon the concerned SHO, ACP & DCP who were posted at the relevant period, to take action and a report has been sought by trial court from the Commissioner of Police in this regard. Trial court has also ordered issuance of show cause notice to police officials mentioned in the report of 19th September, 2017.

Upon hearing and on perusal of impugned orders, this Court finds that instead of conducting inquiry as ordered by trial court, it would be appropriate that the Commissioner of Police deposes a Senior Officer to conduct an inquiry regarding the missing of the complaint in question and a report be submitted to the trial court regarding the action taken against the erring police official. Let the inquiry in the aforesaid manner be conducted within a period of 12 weeks from today and a comprehensive report be submitted to the trial court.

Impugned order stands modified in the aforesaid terms. Both these petitions and applications are accordingly disposed of with direction that trial court be apprised of this order

A copy of this order be given *dasti* to learned Standing Counsel for petitioner.

(SUNIL GAUR)
JUDGE

MAY 10, 2019
p'ma