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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 29.06.2020

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W.P.(CRL) 976/2020

NARENDRA SHARMA

..... Petitioner

Through: Petitioner-in-person.

versus

STATE & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Chaitanya Gosain,
Adv. for GNCTD/Delhi Police.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

D.N. PATEL, Chief Justice (Oral)

Proceedings of the matter have been conducted through video conferencing.

1. This Public Interest Litigation has been preferred with the following prayers:-

“a) the respondents to prepare mechanism for strict compliance for uploading the copy of the FIR being registered by them in their respective police stations within 24 hours from lodging of the same.

b) Pass any such other or further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the light of the above averments and in the interest of justice.”

2. Having heard the petitioner in person and the counsel for the respondent - State, it appears that the petitioner, who is an Advocate, had applied for a copy of the FIR, as stated in this writ petition, to Police Station Fatehpur Beri, New Delhi as the same was not uploaded in terms of decision given by this Court in W.P.(Crl.) No.468/2010 reported in 2010 (175) DLT 110.

3. Learned counsel for the respondent - State submitted that pursuant to aforesaid judgment, Circular No.4/2011 dated 20.01.2011 has already been issued. Certain exceptions have also been carved out for cases of sensitive nature in the judgment of this Court. Thereafter, vide a decision propounded by Hon'ble the Supreme Court on 07.09.2016, in W.P.(Crl.) No.68/2016, the directions of this Court have been reiterated by Hon'ble the Supreme Court. It is further submitted by Mr. Rahul Mehra that as per the aforesaid judgment of the Hon'ble Supreme Court, if the FIR is not uploaded on the Police website on the ground that information is of sensitive nature, the person can submit a representation to Superintendent of Police/Commissioner of Police and decision is taken by such Officers of Police department accordingly.

4. It is further submitted by Mr. Rahul Mehra, learned Standing Counsel (Crl.) that whenever such powers are being exercised by the ACP in Delhi regarding not uploading the FIR, immediate information is being given to the area Magistrate. There is also a High Powered Committee of multi members, constituted by the Commissioner of Police before which this petitioner could have ventilated his grievances, which this petitioner has not availed.

5. In view of the aforesaid submissions and also looking to the fact that

the rule has its own exceptions, and also looking to the fact that the exceptions have been carved out by Hon'ble the Supreme Court, by a later judgment passed in W.P.(Crl.) No.68/2016 dated 07.09.2016 reported as 2016 (9) SCC 473, now the powers to take decision not to upload the FIR, is vested with high ranking administrative officers in the Police Department. Even otherwise also, copy of the FIR is to be sent to the concerned Magistrate as per the provisions of Section 157 of Cr.P.C., 1973.

6. In view of these facts and the provisions of law, we see no reason to entertain this writ petition at this stage. For any individual grievance, the petitioner is at liberty to take other remedies in accordance with law.

7. The petition is disposed of with these observations.

CHIEF JUSTICE

PRATEEK JALAN, J

JUNE 29, 2020

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