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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 3429/2023 and CRL.M.A. 12909/2023

VANSRAJ

.....Petitioner

Through: Mr.Anshul Dokhoria and Mr. Surender
Kumar, Advocates

versus

THE STATE (NCT OF DELHI) AND ANR.Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
Mr. Aman Sareen, Mr.Nishant Pathak and
Mr.Gurpratap Singh, Advocates for respondent
No.2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

13.08.2024

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1. By way of present petition, the petitioner seeks setting aside of the order dated 27.03.2023 passed by the learned Principal and Sessions Judge, North West District, Rohini Courts, Delhi in Contempt Petition Crl 1/2023 vide which inquiry was directed against the present petitioner.

2. A brief background of the present case is that:-

- a) the Respondent No.2's daughter namely *Devika Saini* was issued a Non-Creamy Layer 'Other Backward Class' certificate dated 07.09.2010 by the Tehsildar, Patel Nagar, Rampura, Delhi.
- b) In respect of the same, a person namely *Raj Babu Dvivedy* (not a party in the present case) made a complaint against the Respondent No.2's daughter u/s 200 CrPC along with an application u/s 156 (3) CrPC, alleging malpractice in obtaining the certificate, somewhere in 2013-2014. The applications came to be

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dismissed on 12.05.2022 by the concerned Magistrate for non-prosecution and non-appearance.

- c) A revision petition was filed by *Raj Babu Dvivedy* which also came to be dismissed by the Sessions Court vide detailed order dated 23.11.2022. The order came to be passed after taking account the status report filed by the I.O. wherein the certificate was found to be genuine.
- d) Subsequently, it is claimed that the petitioner in connivance with *Raj Babu Dvivedy* has filed a frivolous complaint on the same set of allegations against the respondent No.2's daughter before the office of Sub- Divisional Magistrate, Patel Nagar, New Delhi. A show cause notice bearing No. SDM(PN)/2022/18634 dt. 16.12.2022 was issued.
- e) It is alleged that the same is a tactic to extort money from the respondent by threatening to tarnish the name of his daughter despite the fact that the genuineness of her certificate has been proved by various governmental authorities in every stage of investigation and inquiry.
- f) Following this, a contempt petition was filed by the respondent No.2 to initiate criminal proceedings against the petitioner and *Raj Babu Dvivedy*, where vide order dated 27.03.2023, the Sessions Judge directed an SDM inquiry against the petitioner and *Raj Babu Dvivedy*. Hence the present petition.
3. Learned counsel for the petitioner claims that the petitioner has no concern with the allegations levelled in the Contempt Petition filed by Respondent No.2 in as much as the present petitioner was not a party in any



of the cases which have been adjudicated by the courts below. It is further submitted that the petitioner has already taken steps challenging the issuance of show cause notice.

4. I have heard the learned counsels for the parties and perused the material which has been placed on record.

5. A perusal of the impugned order dated 27.03.2023 would show that after considering the facts and circumstances surrounding the case, the Sessions Judge directed the concerned SDM to conduct an inquiry against the petitioner and said *Raj Babu Dvivedy* for filing a false complaint against Ms. *Devika Saini* once her OBC certificate was found to be genuine as per the status report of ASI *Raju Kumar*, PS Maurice Nagar, Delhi. In addition, considering that Raj Babu Dvivedy is a home guard working as DHG (Bus Marshal), the DG Home Guards, Delhi was also directed to conduct an inquiry against him as to whether he was in contact with the present petitioner regarding the filing of such frivolous complaints.

6. Concededly, despite the impugned order having specific directions with respect to *Raj Babu Dvivedy*, the said person was not approached by the present petitioner and the present petition has been moved only by the present petitioner. It is to be noted that once the earlier revision petition filed by *Raj Babu Dvivedy* was dismissed by the Sessions Court citing the status report filed by the concerned ASI stating the genuineness of the OBC certificate of Ms. Devika and the inability of *Raj Babu* to demonstrate how he has suffered from the issuance of the certificate; a subsequent complaint was filed in connivance with the present petitioner on the same set of allegations merely a week after the dismissal order i.e. on 29.11.2022. It is alleged that the same is a bid to harass the respondent No.2 in order to extort



sum of money, for which an SDM inquiry was directed by the Sessions Court against the present petitioner.

7. In these facts and circumstances and keeping in mind the short duration within which the subsequent complaint was filed by the present petitioner and *Raj Babu Dvivedy*, I find no ground to interfere with the impugned order where only a show cause notice has been issued. Accordingly, the present petition is dismissed.

8. The petition is disposed of in the above directions along with pending application.

MANOJ KUMAR OHRI, J

AUGUST 13, 2024/js