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

+ **W.P.(C) 5124/2024**

ANIL DUTT SHARMA

.....Petitioner

Through: Mr. Manoj Kumar Dwivedi and Mr.
Abhishek Gaur, Advocates.

versus

LOKPAL OF INDIA AND ANR.

.....Respondents

Through: Mr. Apoorv Kurup and Mr. Akhil
Hasija, Advocates for R-1.
Mr. Ravinder Agarwal and Mr. Lekh
Raj Singh, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.08.2024

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1. The present petition seeks the following prayers:

“To direct the respondents to conduct fair investigation in pursuance of directions issued vide order dated 20.07.2022 in case no. 3972/2022 by respondent no. 1 to respondent no. 2, considering the evidence provided by the petitioner to respondents and giving him opportunities of hearings, the speaking orders be passed as well as complaint of the petitioner pending before them under 340 Cr.P.C be dispose off”

2. As can be seen from the above, the reliefs sought in the present petition are two-fold. Firstly, the Petitioner seeks directions for Respondents No. 1 and 2 to conduct an investigation in terms of order dated 20th July, 2022, and secondly, to pass orders on the complaint filed by the Petitioner



under Section 340 of the Criminal Procedure Code, 1973.¹

3. Through order dated 20th July, 2022, Respondent No. 1/ Lokpal of India² referred the complaint filed by the Petitioner to Respondent No. 2/ Central Vigilance Commission³ and directed that a status report be filed in the matter. The said order reads as follows:

“ORDER

Perused the complaint.

The complainant has filed this complaint against the Additional Commissioner and three other officials of the Municipal Corporation of Delhi (MCD) and also against the officials of Delhi Police. The complainant has alleged that these public servants, in connivance with Delhi Police filed false FIR against the complainant. The complainant has alleged that his industrial unit was sealed by the MCD, even though, he has a valid license. However, the complainant has also given few references of the court cases filed in this matter in the year 2014, and mentioned about many court orders in this complaint.

After careful consideration the Full Bench refer the case to the CVC for submitting a status report in this matter within the period of four weeks from the date of receipt of the order, i.e., on or before 1st September, 2022.

Registry of the Lokpal of India is directed to take action accordingly.

List the matter on receipt of the status report.”

4. Thereafter, on 30th November, 2022, the Lokpal deliberated upon the reports which had been submitted before it and concluded that there was no ground made out to warrant issuance of further directions. The order No. C-12016/3972/2022-Lokpal/3704 is reproduced hereunder:

“ORDER

This complaint was considered by the Full Bench of Lokpal of India on 20.07.2022, wherein, the complainant has made allegations against certain police officials and also against the officials of the East Delhi Municipal

¹ “CrPC”

² “the Lokpal”

³ “CVC”



Corporation (EDMC), New Delhi with the direction to CVC to submit a status report in this matter by 01.09.2022, In compliance with the order, CVC has asked for the status report from the Commissioner of Police, Delhi and also from MCD, New Delhi.

Head of the Anti-Corruption Branch (ACB), GNCTD of Delhi submitted a report to CVC on 26th August, 2022, which was forwarded by CVC on 1st September 2022. The CVC has also requested to grant one month to MCD for submitting a detailed report on the matter. Full Bench has approved an extension upto 10.10.2022 in its meeting dated 19.09.2022.

ACB of GNCTD of Delhi has given their detailed report vide letter dated 26.08.2022, which is forwarded by the CVC vide O.M.Nq.022/MCD/010-523258 dated 01.09.2022. The gist of the remarks is as under;

“The Criminal Complaint u/s 200 r/w 156(3) Cr. PC. of the complainant against Investigating Officer and Raiding Officer of Case FIR No.51/2014 P.S. Anti-Corruption Branch was dismissed by Trial Court vide detailed order dated 26.10.2020 mentioning that “the complainant gave a formal complaint about the incident to police only on 11.07.2019 that is after more than 5 years of the alleged offence. It seems to have been lodged with the sole intention to create pressure on the investigating officer, the raid officer and the complainant in the FIR i.e. the three proposed accused, which cannot be allowed to continue in the facts and circumstance of this case at present.

In view of above the allegation made by complainant are not substantiated.

Further, a case where FIR No. 51/14 P.S. ACB was registered against JE, MCD, Shahdara after he was caught red handed on the spot while demanding accepting/obtaining amount bribe Rs. 1 Lac from the complainant. Subsequently three more cases vide FIR Nos. 58/14, 59/14 & 60/14 were also registered against JB, MCD, Shahdara.

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Further, a case where FIR No. 51/14 P.S. ACB was registered against JE, MCD, Shahdara after he was caught red handed on the spot while demanding accepting/obtaining amount bribe Rs. 1 Lac from the complainant. Subsequently three more cases vide FIR Nos. 58/14, 59/14 & 60/14 were also registered against JE, MCD, Shahdara. The complainant is making complaint against police officers/IOs to create undue pressure on the IOs.

The complaint filed by the complainant is malicious, motivated and devoid of any merit hence same is liable to be dismissed.

The CVC has also forwarded a report received from MCD vide O.M. NO.022/MCD/010-527010 dated 06.10.2022 to the Lokpal of India, as mentioned below:

“That it is further observed that as per the submissions of the complainant himself, the Writ Petitions filed by him have either been dismissed by the Hon’ble High Court of Delhi or Notices have been issued. And that in one such Writ Petition, the Hon’ble High Court of Delhi while dismissing the Writ Petition has observed that the relief sought are nothing but stating the obvious and that keeping in view the vague and evasive nature of pleadings and relief sought, we find no merit in the petition and further keeping in view of the conduct of the petitioner, as noted by this Court in the order dated 10.08.2015 in W.P (C) No. 7556/2015, we do not think it appropriate to entertain the present petition filed as a public interest litigation at the behest of the petitioner.

In another PIL/Court case titled complainant Vs Union of India & Ors. (W.P. (C) 1046/2017, also filed by the complainant with certain prayers in the Hon’ble High Court of Delhi was dismissed by the Hon’ble Chief Justice, vide his order dated 07.08.2019 with cost of Rs. 25,000 (Rupees Twenty-Five Thousand Only) on the petitioner. Further, in respect of various court reference it has been noticed that complainant after his arrest by ACB and now released on bail, lodged some PILs Court cases in the Courts of Delhi”.

As per documents enclosed with the complaints, the FIR NO.III1/2014 was lodged in P.S. Bhajanpura, and another FIR No.51/2014 lodged with ACB, by the complainant. The matter is under trial and sub-judice before Special Judge, (PC Act) (APB)-02, Rouse Avenue District Courts, Delhi.

As such allegations regarding filing of false FIR by the officers of MCD is connivance of Delhi Police are also not substantiated”.

It is evident that many cases registered in 2014 are still sub- judice



and cases filed by the complainant in various courts are also pending for final decisions.

As the CVC has agreed with the findings of both Departments (Delhi Police and MCD). The Full Bench is inclined to close this case.

Accordingly, the complaint is disposed of.”

5. From the foregoing, it becomes clear that pursuant to order dated 20th July, 2022, the CVC had forwarded status reports filed by both, the Anti-Corruption Branch (ACB), Government of NCT of Delhi (GNCTD), as well as the Municipal Corporation of Delhi (MCD). It also emerges that the Petitioner herein has been repeatedly filing complaints and initiating proceedings, and as per the aforementioned reports of the ACB and MCD, the allegations made are unsubstantiated. Further, the Lokpal has observed that while some of the cases have already been rejected, others remain *sub-judice* and are pending final decisions before various courts.

6. In such circumstances, the CVC has duly taken action in terms of the directions issued by the Lokpal on 20th July, 2022, as requisite reports have been procured and duly forwarded. Consequently, no intervention by the Court is warranted.

7. This brings us to the other relief sought by the Petitioner, pertaining to the complaints filed under Section 340 read with Section 195 of CrPC before the CVC and Lokpal. The Petitioner argues that the applications have not been properly considered and disposed of, however, the Court finds this contention to be misconceived and untenable. The Lokpal has, through letter dated 27th September, 2023, noted that there is no provision under the Lokpal and Lokayuktas Act, 2013, which allows re-opening of complaint or review of orders passed by the Lokpal. Accordingly, they have rightly denied the Petitioner's request. Moreover, it must be noted that Section 340



of the CrPC specifically applies to courts, whereas the Petitioner has approached the Lokpal and the CVC – neither of which constitutes a court – under the said provision. Thus, the Court finds no merit in the case made out by the Petitioner in this regard.

8. In view of the above, the Court finds no ground to entertain the present petition, and accordingly, the same is dismissed, along with pending application.

SANJEEV NARULA, J

AUGUST 22, 2024

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