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

+ **W.P.(C) 11195/2021, CM APPL. 38554/2021**

GANGA RAM

.....Petitioner

Through: Mr. Saurabh Tewari, Advocate.

versus

COMMISSIONER OF POLICE & ORS.

.....Respondents

Through: Mr. Anuj Aggarwal, ASC with
Mr. Yash Upadhyay and Mr. Siddhant
Dutt, Advocates for R-1 to 3.
Mr. K.L. Kuldeep, PS-Kashmere
Gate, Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.09.2024

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1. The Petitioner, a member of the Automotive Parts Merchants Association (Regd.) in Kashmere Gate, Delhi-110006, asserts that he is a law-abiding citizen of this country. He also mentions his medical condition, that he is a heart patient and has undergone bypass heart surgery. The Petitioner is aggrieved by an incident that allegedly occurred on 6th August, 2021, at 12:30 PM. The Petitioner was cleaning his godown, located at 1204-A and 1204-B, Katra Mohsin Khan, Kashmere Gate, Delhi, with the help of two labourers. According to the Petitioner, during this time, a police constable, in official uniform, approached him and claimed to be the beat constable of the area. The constable informed the Petitioner that he could not enter the godown without permission and without paying a fee. He also



allegedly threatened the two labourers, ordering them to flee or risk being booked on criminal charges. Furthermore, the constable forcibly took approximately Rs. 1,420 to 1,810 from the Petitioner's right shirt pocket and instructed him to go to the police station.

2. The Petitioner went to the Police Station, Kashmere Gate, but the said constable did not reach the police station even after 10 to 15 minutes. The Petitioner intended to meet the duty SHO but could not do so as he was also not present. The Petitioner then returned to his house. Subsequently, the Petitioner filed a complaint in this regard with the Deputy Commissioner of Police ('DCP'), Civil Lines, Delhi on 9th August, 2021.

3. On 31st August, 2021, the Petitioner visited the DCP's office to inquire about the progress of his complaint. He was informed that the complaint had been forwarded to the relevant SHO and was advised to follow up with that officer. Accompanied by his friend, Mr. Brij Mohan Gupta, the Petitioner returned to the Kashmere Gate Police Station to meet SHO Sh. Dharmender. However, the Petitioner states that the SHO refused to meet him and was quite rude. Despite this, the Petitioner persisted and eventually met with the SHO, who allegedly continued to be rough and disrespectful, even though he was aware that the Petitioner is a senior citizen. The SHO dismissed the Petitioner's complaint about the constable and shouted at him, instructing him to leave the police station. This entire incident was likely captured by the CCTV cameras installed in the Kashmere Gate police station.

4. In the above background, the Petitioner has invoked the jurisdiction of this Court asserting that the Petitioner being a senior citizen, ought to have been dealt by the Delhi Police in a more humane manner. The Petitioner also



cites the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to emphasise that the said act acknowledges the rights of the senior citizen and the Delhi Police could not have acted in a rude and uncooperative manner. In the above background, the Petitioner seeks the following prayers:

- “i. In favour of the petitioner and against the respondents directing respondents to initiate appropriate action against the aforesaid beat constable and other police officials of police station Kashmere Gate.*
- ii. Directing respondents to frame appropriate guidelines for dealing with matters relating to Senior Citizens with compassion and sensitivity and awareness and training program to sensitise the police in matters related to Senior Citizens.*
- iii. Any other orders which this Hon'ble Court deems fit and proper in the facts and circumstances of the present writ petition, may also be passed, in favour of the petitioner.”*

5. Subsequent to the notice issued, the Respondents have carried out an enquiry into the incident and have submitted a detailed report to this Court, a copy whereof has been placed on record. In addition, thereto, the Respondents, in their counter affidavit, have also explained as to how the complaint was inquired. The relevant portion of the counter affidavit is as follows:

“5. That the brief facts as are stated/alleged in the petition are that on 06.08.2021 at around 12:30 PM, the Petitioner was getting his godown cleaned at property No. 1204A and 1204B, Katra Mohsin Khan, Kashmere Gate, Delhi. In the meanwhile, one police constable came and told him that he is the beat constable of the area and without his permission and without paying his fees, the Petitioner cannot enter his godown. He further alleged that the police constable threatened his labours and forcibly snatched Rs. 1420 to Rs. 1810 from the Petitioner's pocket. Petitioner came to know the name of the police constable as Rinku. Petitioner came to the police station and intended to meet the duty SHO but duty SHO was not present at that time. Petitioner further stated that he had filed a written complaint in this regard at the DCP Office, Civil Lines on 09.08.2021 and upon the directions of the DCP Office, he again visited PS Kashmere Gate on 31.08.2021 to know the status of his complaint but found that the complaint



has not been received at said Police Station.

6. *That it is submitted that the petitioner had lodged his complaint at the DCP Office, Civil Lines and his complaint was marked to Public Grievance Cell (PG Cell), Civil Lines, which is an independent agency/enquiry cell for deciding complaints against police officers after conducting a fair enquiry.*

7. *That it is submitted that upon receiving the complaint of the Petitioner, the PG Cell conducted a detailed enquiry and examined the petitioner, Ct. Rinku, No. 2073/N along with 4 independent public witnesses.*

8. *That it is submitted that as per the report dated 25.10.2021 prepared by the PG Cell, North, after conducting a detailed inquiry, it was concluded that the Complainant/ Petitioner herein did not provide any evidence to support his allegations as well as no witness was produced by him in his favour. Thus, in absence of supporting evidence, the allegations against the Ct. Rinku were not substantiated.*

9. *That it is submitted that the said report also contains the statement of the Respondent No.4 viz. Ct. Rinku, No. 2073/N wherein he stated that during his patrolling duty when he reached at Katra Mohsin Khan, Bada Bazar, Kashmere Gate, Delhi he noticed that an aged person about 75 years old, was installing a door in front of property no. 1204 and out of suspicion, Ct. Rinku (Respondent No.4 herein) asked the Petitioner about the owner/legal proprietor of the said property. The Petitioner immediately got irritated and threatened Ct. Rinku as to who was he to ask about the ownership and that he will ruin his job.*

10. *That it is submitted that there is a CCTV installed in the premises of the Petitioner and the Petitioner could produce the footage of the alleged incident if he so wanted and the non-production of it, itself indicated that there was no substance in the complaint filed by the Petitioner.*

11. *That it is further submitted that during PG Cell enquiry, the four public witnesses also deposed and confirmed the fact that the Petitioner's behaviour was violent and aggressive and stated that the allegations by the Petitioner against the Ct. Rinku were false.*

12. *That it is submitted that the Petitioner is a tenant at property no. 1204, Katra Mohsin Khan, Bada Bazar, Kashmere Gate, Delhi and he is having disputes with other tenants of the aforesaid property as well and he regularly keeps using his clout and aggression in order to browbeat them and now in order to pressurize the other tenants as well as the local police, the Petitioner is dragging police/ beat officers unnecessarily in the present*



matter.

13. That in addition to the above, it is further submitted that another incident took place on 10.10.2021, when the Petitioner was found involved in a quarrel over possession of rented accommodation under some other tenant in the same building. It was found that the Petitioner was trying to sell waste iron scrap, to a scrap dealer, which was owned by some other tenant namely Mr. Praveen Arora without his consent.

Accordingly, FIR No. 573/21 dated 10.10.2021 u/s 160 of the Indian Penal Code, 1860 was registered by the answering Respondents against all the accused named therein.

14. That it submitted that pursuant to the said incident, the Petitioner along with the other three persons involved in the quarrel were taken to Police Station, where they were treated with due care and respect. No preferential treatment was given to any person. In fact, the Petitioner along with the others were offered tea and water at the Police Station and all the efforts were made to pacify them.

It is pertinent to state here that the Petitioner was given due access to the telephone for contacting his relative/s or friend/s.

Though the Petitioner was the most aggressive amongst all four persons and was not complying with any of the directions issued by the Investigation Officer, but despite the said fact the police officials only issued a notice under Section 41(A) (1) CrPC to all the four persons in the case and a medical examination of all was conducted at Aruna Asaf Ali Government Hospital, Delhi. After the due medical examination and providing medical assistance, the Petitioner and all the other three persons were directed not to indulge in any such quarrel and avoid creating public nuisance in future and to resolve their property issue, if any, through appropriate legal recourse available.

15. That it is further submitted that Respondents have high regard for the senior citizens and have always treated them with due care and respect. The said fact is also evident from various articles published in different newspapers acknowledging and praising a member of the staff deployed at Police Station Kashmere Gate for extending extra care towards an elderly lady by taking her to the vaccination center by carrying her in his arms due to her restricted mobility.

16. That it most respectfully submitted that the Respondents have always been sensitive to the needs of the senior citizens living in the area under their jurisdiction and have made constant efforts for providing them



the necessary facilities at their doorsteps.

17. That it is most humbly submitted that in view of the submission made above, the undersigned is ready and willing to abide by any further orders/directions which this Hon'ble Court may deem fit considering the facts and circumstances of the present case”

6. Counsel for the Petitioner impugns the inquiry report dated 25th October, 2021 on several grounds and remains unsatisfied with the manner in which, the enquiry has been done. He submits that the findings given in the report are not plausible and the conclusion drawn by the police, cannot be borne out from the facts which have been narrated.

7. The Court has considered the aforementioned contentions but does not find any reason to continue with the present matter. The inquiry conducted by the police, whose report has also been placed on record, reveals as under:



Reference attached

Dy.No. 1372/R-ACP/PG Cell/N dated 01.09.2021 & ICMS No. 816604012104560 dated 28.08.2021.

Complainant:- Sh. Gagaram r/o 1204-A& B, Katra Mohseen, Delhi-06.

Gist of complaint:- The complainant alleged that on 06.08.2021 at about 12:30 PM Beat Constable Rinku came to his above said address where he used abusive language against him, pushed him back and took over his money from the pocket.

Enquiry:- During the enquiry the following witnesses have been examined:-

1. Sh. Gangaram (The complainant).
2. Ct. Rinku No. 2073/N PS Kashmere Gate, Delhi.
3. Kapil Ahlawadi S/o Harikishan Ahlawadi r/o H.No. 1172, Katra Mohseen Khan, Bada Bazar, Kashmere Gate, Delhi.
4. Jagdish Kumar s/o Dasu Ram r/o 3/118, Geeta Colony, Delhi-31.
5. Naved Ahmed s/o Sameern Ahmed r/o H.No. 746, Damodar Building, Chota Bazar, Kashmere Gate, Delhi.
6. Ravi Kumar s/o Ram Kishan R/o H.No. 1205, Bada Bazar, Kashmere Gate, Delhi.

The complainant stated that he was doing cleaning and repairing work at his go-down situated at H.No. 1204-A&B, Katra Mohseen Khan, Kashmere Gate, Delhi along with two labours at about 10:30 AM on 06.08.2021, meanwhile, a constable came there and stated that he cannot visit the place without permission and fees paid to him. Above said constable threatened the laboures to arrest and asked why they came at that place. The above said constable manhandled him and took the money from his pocket, further threatened to come to the police station where he would see the matter. He went to the police station where SHO/Kashmere Gate was not present, after waiting for 10 minutes he left the police station for his home. On questioning, the complainant replied that he does not



know the labours and he does not have any evidence to support the allegations. Total 1420 - 1810 Rupees were taken from him by the alleged constable, he does not aware about the eye-witness of the incident while some pedestrians were moving inside the street.

Constable Rinku stated that he is posted in Beat No. 05 of PS Kashmere Gate, Delhi, in the beginning of the month of August he reached at Katra Mohseen Khan, Bada Bazar, Kashmere Gate, Delhi during his patrolling duty. A person aged about 75 years was installing a door in front of H.No. 1204, on found something suspicious he asked about the legal proprietor of the concerned property from that person. On being irritated the complainant replied who you are to ask such questions from a senior citizen and threatened to ruin his job. Someone told that Gangaram is an ill-mannered person and a habitual complainant against the police officials. Further, alleged constable denied the allegations of the complainant as false and baseless.

Kapil Ahlawadi has denied the allegations levelled by the complainant and stated that the behaviour of Gangaram against Constable Rinku was very arrogant on the day of incident.

Naved Ahmed has also confirmed the version of Kapil Ahlawadi above and stated that behaviour of the complainant Gangaram was very violent against constable Rinku and allegations levelled in the compliant are not true.

Ravi Kumar stated the same version against the complainant Gangaram and support the version of above said two witnesses. Besides this, Jagdish Kumar has also denied the allegations levelled by the complainant against alleged constable.

Conclusion: The complainant has not provided any evidence to support the allegations as well as no witness is produced also by the complainant in his favour. The allegations of the complainant are not supported except the statement of the complainant. Moreover, an information regarding unauthorized construction at property No. 1204/A, Katra Mohseen Khan, Kashmere Gate, Delhi-06 was given to office of DC/MCD, City SP-Zone, Old Hindu college, Nigam Bhawan, Kashmere Gate vide Dy. No. 2827/SHO/Kashmere Gate, Delhi dated

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30.09.2021. No evidence on record regarding patrolling duty of the alleged Ct. Rinku No. 2073/North for dated 06.08.2021. In view of above said facts allegations against Ct. Rinku are not substantiated. The complaint may be filed.

[Signature]
SI Vinod Kumar
E.O./PG Cell/N
Dt. 25.10.2021

Insp. PG Cell/N

May like to see the affidavit
enquiry report of 20157 Vinod Kumar.
The allegations levied by the complainant
are not supported by evidence - on the
contrary, the alleged driver denied
the allegation in toto & stated that
as a part of his patrolling duty he
had a conversation with the complainant.
Independent witnesses (4) have supported
the version of the alleged driver. Hence, in
absence of any evidence & keeping in
view the testimony of the local police
the allegation are not found to be
substantiated. The complaint hence may
be filed for
order/DCU.

8. The Court is thus satisfied that the Respondents have carried out the enquiry into the matter, however, since none of the allegations made by the Petitioner had been substantiated, the Court finds no reason to give any further directions to the Respondents on the allegations which have been made by the Petitioner in the present petition.
9. Accordingly, the present petition is disposed of along with pending application. The Petitioner shall be at liberty to avail other legal remedies, if



any, in accordance with law.

SANJEEV NARULA, J

SEPTEMBER 26, 2024

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