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

+ **W.P.(CRL) 1620/2024**

AMIT CHAUHAN

..... Petitioner

Through: Mr. Mohit Mathur, Senior Advocate
with Mr. Harsh Gautam and Mr. Sumit Misra,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with Ms. Anvita Bhandari, Mr. Kunal Mittal,
Ms. Charu Sharma, Mr. Arjit Sharma and Mr.
Vaibhav Vats, Advocates with SI Sonu Kr., PS:
DIU.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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21.05.2024

CRL.M.A. 15756/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking the following reliefs:-

(a) Direct the respondent no. 2&3 for taking stern action against the respondent no. 4 for misusing the official power against the petitioner/complainant and for saving the accused of FIR no. 1204/2021 by putting the respondent no. 4 under suspension and also conduct departmental enquiry against respondent no. 4; and



(b) Change the Investigating Officer of case FIR no. 1204/2021 registered at Police Station Rani Bagh, Delhi under section 63/68A/69 of the Copy Right Act

(c) Direct the respondent no. 2&3 for providing police protection to the petitioner and his family for saving their life and limb from the respondent no. 4 and his associates as there is continuous threat from him; and

(d) Pass any other or further order which this Hon'ble Court deems fit, proper and expedite in favour of the petitioner and against the respondents, in the interest of justice.

4. It is the case of the Petitioner, ventilated by Mr. Mohit Mathur, learned Senior Counsel that on a complaint lodged by the Petitioner an FIR bearing No. 1204/2021 dated 26.10.2021 was registered under Sections 63/68A/69 of the Copyright Act, 1957 at PS: Rani Bagh. Petitioner vigilantly pursued the matter Between October, 2021 to April, 2024 with Respondent No.4 and requested several times to proceed with the investigation but there was neither any progress in the investigation nor any satisfactory response was received from Respondent No.4. On 06.05.2024, Respondent NO.4 sent a WhatsApp message to the Petitioner informing him that he has placed his phone on tracking and surveillance on the basis of a complaint received against him. Petitioner requested for a copy of the complaint as he was not aware of any such complaint but the copy was never provided.

5. Petitioner further avers that on 11.05.2024, Respondent No.4 came to his office with 4-5 persons purportedly police officials of PS: Rani Bagh and cut off his electricity supply and threatened to plant a plastic pouch, which they were carrying in his office and implicate him in a false case of drug trafficking. Petitioner's phone was also snatched away by Respondent No.4. Petitioner was kept in confinement for a couple of hours and at the time of leaving, Respondent No.4 threatened the Petitioner of dire consequences if



he did not resolve and settled the matter amicably with the accused persons in the present FIR. Shocked by this incident, Petitioner wrote a detailed complaint on 15.05.2024 to the DCP, North District for taking stern action against Respondent No.4 for misuse of official power and threatening as well as illegally detaining the Petitioner, however, there is no response to the same till date, constraining the Petitioner to approach this Court for justice.

6. Issue notice.

7. Learned ASC accepts notice on behalf of the State/Respondents No. 1 to 3 and candidly and fairly submits on instructions that the matter will be examined by the concerned Deputy Commissioner of Police (DCP) taking into account the allegations levelled by the Petitioner in the present petition.

8. Having heard the learned senior counsel and the learned ASC for the State, this petition is disposed of directing the concerned DCP to treat the present petition as a representation of the Petitioner and decide the same taking into account the allegations levelled against Respondent No.4. The decision shall be taken within six weeks from today and needless to state after hearing the Petitioner and Respondent No.4. A reasoned decision shall be taken by the DCP and the outcome will be made known to the Petitioner. In case the DCP is of the view that facts and circumstances require in the interest of justice and fair and partial investigation in case FIR No.1204/2021, he would be at liberty to change the IO.

9. Petition stands disposed of with the aforesaid observations.

JYOTI SINGH, J

MAY 21, 2024/shivam