



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

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**Reserved on : 28.11.2023**

**Pronounced on : 29.02.2024**

+ **W.P.(CRL.) 2952/2023 AND CRL.M.A. 27478/2023**

**PARTHA MANDAL**

..... Petitioner

Through: Mr. Nitin Saluja and Ms. Pranya Madan, Advocates along with petitioner in person.

versus

**SPECIAL COMMISSIONER OF POLICE VIGILANCE**

.... Respondent

Through: Ms. Nandita Rao, ASC for the State with Mr. Jasraj S. Chhabra and Mr. Amit Peswani, Advocates and with SI Ashish, PS Dabri, Insp. Neelmani and ASI Mahender.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**JUDGMENT**

**RAJNISH BHATNAGAR, J.**

1. The present Writ Petition under Article 226 of the Constitution of India and Section 482 of Cr.P.C. has been filed by the petitioner with the following prayers:

*" (a) Issue appropriate writ, orders or direction in the nature of mandamus and / or any writ or order of the like nature for direction to the office of Special Commissioner of Police - Vigilance, New PHQ, Jai Singh Road, Delhi (i.e. Respondent)*

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*to file its departmental enquiry report against SI Ashish PS: Dabri before this Hon'ble Court in the interest of justice; and thereby protect the fundamental right to life, liberty and residence of Petitioner as enshrined in Article 21 and 19(e) of the Constitution of India.*

*(b) Pass such order and further orders as may deem fit and proper in the facts and circumstances of the case in the interest of justice."*

2. I have heard the Ld. counsel for the petitioner, Ld. ASC for the State and also perused the records of this case.

3. Ld. counsel for the petitioner has argued on the facts as stated in the petition and in addition he has further stressed vehemently that the IO of this case i.e. SI Ashish told him that he is under the pressure of agent of Home Ministry and senior police officials and therefore, is not investigating properly into the incident happened with the petitioner on 10.09.2023.

4. On the other hand, Ld. ASC has argued on the lines of the Status report and has submitted that the petitioner is habitual of misusing the process of law and a thorough enquiry was conducted and no cognizable offence was found to be made out. It is further submitted that the complainant/petitioner is a lawyer and he wants to have his own ways. It is further submitted by the Ld. ASC that the petitioner is having matrimonial dispute with his wife and in-laws for the last 5 years and he has filed more than 50 complaints in police station Bindapur and after enquiry all the complaints were filed/closed. It is further submitted that the petitioner filed W.P. CrI. 2181/2017 before this Court and the matter was disposed of on 01.08.2017 as the same was withdrawn by the petitioner as there was no truth in the Habeas Corpus petition filed by him.



5. It is further submitted by the Ld. ASC that the petitioner has also filed an application u/s 156 (3) Cr.P.C. along with the complaint U/s 200 Cr.P.C. and the same was dismissed by the M.M. Dwarka Courts on 09.04.2018 observing that the petitioner is habitual in misusing the process of law. It is further submitted that an FIR bearing No. 515/2018 dated 21.06.2018 has been registered U/s 498-A/406/34 IPC at P.S. Bindapur against the petitioner by his wife.

6. It is further submitted by the Ld. ASC that the petitioner had filed W.P.(CRL.) 3298/2019 before this Court seeking directions to Delhi Police to allow him to live peacefully in his house. It is further submitted that the matter was heard on 06.12.2019 and it was noted that as there were disputes between the petitioner and his wife who had lodged certain FIRs' against the petitioner, so in that regard police had approached the petitioner. It is further submitted that on this account, the petition was disposed of and it was also observed that the prayer of the petitioner that the police authorities be restrained from registering any complaint made by the respondent No. 2 (his wife) cannot be granted. It is further submitted that the petitioner filed another petition being Crl. M.A. No. 40943/2019 before this Court which was withdrawn on 22.11.2019 after some arguments.

7. In respect of the prayer, mentioned above, made by the petitioner in the present petition, it is submitted by the Ld. ASC that petitioner is a chronic litigant / habitual complainer and no departmental enquiry has been initiated against IO SI Ashish (PS Dabri) as from the enquiry conducted into the allegations made by the petitioner, no cognizable offence has been found to be made out in the present case. So, she submits that there was no



occasion to initiate departmental enquiry against IO SI Ashish (PS Dabri).

8. The specific prayer made by the petitioner in the present petition is to issue appropriate writ, orders or direction in the nature of mandamus to the respondent to file its departmental enquiry report against SI Ashish P.S. Dabri before this Court but it is the contention of the petitioner himself in para No. 17 of the present petition that *"Despite the seriousness of the issue, till date the office of Special Commissioner of Police-Vigilance, New PHQ, Jai Singh Road, Delhi have failed to initiate any departmental enquiry and legal action against IO SI Ashish at PS:Dabri."* Therefore, keeping in view the submission of the Ld. ASC that since nothing substantial was found in the complaint of the petitioner and after conducting the enquiry no cognizable offence has been found to be made out on the basis of the complaint made by the petitioner in respect of the incident dated 10.09.2023, there was no occasion for conducting any departmental enquiry against the IO SI Ashish (P.S. Dabri). In these facts and circumstances, when no departmental enquiry was initiated by the respondent against IO SI Ashish P.S. Dabri, the question of giving any direction to the respondent to file its departmental enquiry report against SI Ashish P.S. Dabri does not arise. So, in the absence of any departmental enquiry being pending or ever initiated by the respondent against SI Ashish P.S. Dabri, the prayer made by the petitioner seeking direction to the respondent to file its departmental enquiry report against SI Ashish P.S. Dabri cannot be allowed. The present petition, therefore, lacks merits and the same is accordingly dismissed. Pending applications if any are also disposed of.

**RAJNISH BHATNAGAR, J**

**FEBRUARY 29, 2024**

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