



\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13620/2019 & CM APPL. 55036/2019**

DIPAK BHATTACHARYYA

.....Petitioner

Through: Mr. Anjani Kumar Mishra, Ms.
Hardeep Kaur Mishra and Mr.
Praveen Mishra Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Dev P. Bhardwaj, CGSC with
Mr. Ujjwal Chaudhary and Mr. Vishal
Sharma, Advocates for R-1.
Mr. Sameer Vashisht, ASC (Civil),
GNCTD with Ms. Harshita Nathrani,
Advocate for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.08.2024

%

1. The Petitioner is a practising advocate and member of the Supreme Court Bar Association. He registered a complaint on the police helpline by calling on the '100' number on 18th December, 2016 regarding an incident of assault of a person in his locality that was witnessed by him. He contends that since no response was received despite such contact, on the subsequent date i.e., on 19th December, 2016, he wrote a letter, to the following effect:

*"To.
SHO
C.R.Park Police station
New Delhi-110019.
Dear Sir,*

Dated: 19.12.2016



- Sub: (1) *Allegations of extortion, criminal assault, voluntarily causing hart and attempt to murder Shri Rohit Choudhary driver of Vehicle No. D1 2CAT6601 registered with Supreme Court of India against rider of two wheeler No. DL3CDA4717*
- (2) *Causing damage to CAR No. DL 2CAT 6601 without any provocation against two wheeler No. DL3CDA4717 and its owner/rider*

On 18.12.2016 at 12.15 hours, mercedes car no. DL 2CAT 6601 was passing through road of A Block, Market No. 3 of C.R. Park when a two wheeler no DL3CDA4717 came all of a sudden before the car and stopped. He held the collar of the driver Shri Rohit Choudhary and took him out of the car. He was abusing Shri Choudhary and demanded money from him while there was no damage to his two wheeler

Matter was immediately reported to 100 who confirmed as under:-.

"PCR Patrol Vehicle KITE-61 Mobile No. 9821003161 is reaching you shortly. Please give your feedback about service at 011-23490390 or 011-23490411"

Meanwhile, about 10 persons came from the market No.3 and told the rider of the two wheeler that he was totally at fault. The rider became more angry and when he was surrounded by the local people, he took some stones and started throwing the same to shri Choudhary and others. He also started kicking the car and hitting it with a stick. The front number plate and the adjoining portion of the car was badly damaged.

We have several eye witnesses of the incident.

It is requested that the matter may be investigated immediately and FIR lodge against rider/owner of two wheeler no. DL 3CDA 4717 under appropriate sections of IPC dealing with extortion, assault, voluntarily causing hard and attempt to murder Rohit Choudhary drive of car No. DL2CAT6601.

Dipak Bhattacharyya (though Power of attorney-Tusar Mahapatra)"

2. He also filed an application under Right to Information Act, 2005¹

¹ 'RTI Act'



dated 3rd October, 2017 before the Public Information Officer², Joint Commissioner of Police, South East District, seeking the following information:

*“To,
The PIO
Office of the Joint Commissioner of Police
South East District, Sarita Vihar,
New Delhi*

Dear Sir,

Subject: Information under provision of the RTI Act, 2005.

In accordance with the Right to Information Act, 2005 I request you to kindly furnish the following information:

- 1. Please inform the status of the written complaint/letter dated 19.12.2016 submitted in C.R. Park police Station vide diary no.24B dated 20.12.2016 (copy enclosed) & copy of reply, if any may please be furnished.*
- 2. Information re. the policy 85 system followed by Delhi Police in respect of giving reply to the complaint addressed to the officials of Delhi police along with the copies of policy/standard procedure/ citizen's charter as applicable to Delhi police I am enclosing an India postal order of Rs. 10/- bearing NO.38F232985 dated 4.10.2017 as fee prescribed under the said Act.*

Thanking you.

Yours faithfully

(Dipak Bhattacharyya)”

3. The Petitioner submits that since he did not receive any reply to the his RTI application, he preferred a first appeal under the RTI Act before the First Appellate Authority – Deputy Commissioner of Police, South East District, which was decided through order dated 30th November, 2017 as

² “PIO”



follows:

“ORDER

This is an order regarding disposing off an appeal dated 16.11.2017, preferred by Sh. Dipak Bhattachryya, Add- P-122, C.R. Park, New Delhi- 110019, hereinafter called the appellant which was received in the office of the undersigned on 23.11.2017 in response to the RTI application filed by him. The appellant has mentioned in his appeal that he has not received requisite information so far and requested for providing requisite information, under the provision of RTI Act, 2005.

The appellant had moved an RTI application, dated 03.10.2017, which was addressed to Joint Commissioner of Police, South-East District, Sarita Vihar, New Delhi but as per record the RTI application was not received in the office of Public Information Officer (Addl. DCP)/SED, Sarita Vihar, New Delhi, under the Right to Information Act, 2005.

The undersigned has carefully gone through the contentions/submissions of the appellant put forth in the appeal. The appellant is apprised of the fact that the address of Public Information Officer of this District is "The Public Information Officer (Addl. DCP)/South-East District, Sarita Vihar, Police Station Sarita Vihar Complex, New Delhi-110076. As per record, the RTI application was not received in the office of Public Information Officer (Addl. DCP)/South-East District, Sarita Vihar, Police Station Sarita, Vihar Complex, New Delhi-110076. Hence, your RTI application which is attached with appeal is hereby sent to PIO(Addl. DCP)/SED, Sarita Vihar for further necessary action as per provision of RTI Act, 2005.

The appeal is disposed off with above discussion. Second appeal against this order, can be filed with the Central Information Commission, 2nd Floor, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi within ninety days from the date of receipt of this order under section 19(3) of the Right to Information Act, 2005."

4. Pertinently, on 5th December, 2016, the PIO (Addl. DCP) South East District, New Delhi forwarded a copy of the above order of the First Appellate Authority as well as the RTI Application filed by the Petitioner to the PIO (Addl. DCP) South District, New Delhi, for compliance of the



directions therein.

5. In compliance of the above, on 29th December, 2017 the PIO (Addl. DCP) South District, New Delhi, provided the following information to the Petitioner:

“Subject:- Regarding information sought by Mr. Dipak Bhattacharya under Right to Information Act, 2005.

Sir,

Kindly refer to your office endorsement no. 2151/RTI Cell/A/SD dated 07.12.2017 and 1704-RTI-ACP/AN dated 13.12.2017, on the subject cited above.

It is submitted that, the point wise sought information pertaining to PS CR Park is as under:-

- a) As per available records of the Police Station, 03 complaints were found received in this police station from the office of worthy DCP/SED having diary No. 1) R-177/WC-V/HAC/SED, dated 07.12.16, 2) R-177/WC- V/HAC/SED, dated 09.12.16 and 3) R-493/C-V/HAC/SED, dated 20.12.2016. All the complaints enquired by SI Sanjeev Kumar and after completion of the enquiry, the same has been sent to Complaint Branch/SED on 10.01.2017 through ACP/Ambekar Nagar vide Dispatch No. 1049-CMTS+1063+CMTS+1087-CMTS/R-SHO/C.R. Park, dated 10.01.2017. (Copy of reply enclosed).*
- b) Information may be asked from Record Branch.*

Sd/-

*SHO/CR Park
14.12.2017”*

6. The Petitioner, being unsatisfied with the information provided by the PIO and carried the matter in a second appeal before the Central Information Commission³, who by way of the impugned order dated 20th September, 2019, observed that the information sought by the Petitioner had been supplied by the PIO in the letter dated 29th December 2017. It was noted that



as per the request of the Petitioner, a copy of enquiry report as well as a copy of the Standing Order No. A-17 dated 15th May, 2010 had been supplied to him and hence no further intervention of CIC was found necessary.

7. The Petitioner is still not satisfied with the information provided by the Delhi Police and has accordingly filed the instant writ petition. He contends that the status of the complaints and information regarding the policy/system followed by Delhi Police in terms of giving reply to complaints addressed to the officials of Delhi Police, had also not been provided.

8. The Court has carefully considered the contentions advanced. It becomes evident that the Petitioner was seeking information on two points - first, pertaining to the complaint/ email dated 19th December, 2016 and second, pertaining to the policy and system followed by Delhi Police in terms of furnishing a response to complaints addressed to the officials of Delhi Police. As has already been noted in the impugned order, a copy of the enquiry report of the Petitioner's complaint has already been provided to him in the communication dated 29th December 2017 of the PIO, (Addl. DCP), South District, New Delhi. Additionally, the Standing Order No. A-17 dated 15th May, 2010 which addresses the Petitioner's second query regarding the policy and the system followed by the Delhi Police in respect of giving reply of complaints, was also provided along with the aforesaid communication of 29th December, 2017.

9. In such circumstances, in the opinion of the Court, the observation made by the CIC that the information sought by the Petitioner had been duly

³ "CIC"



provided to him, calls for no interference or intervention by this Court under Article 226 of the Constitution of India, 1950.

10. Accordingly, the present petition is dismissed, along with pending application(s).

SANJEEV NARULA, J

AUGUST 21, 2024
as