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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1083/2018 & CRL.M.A. 9425/2023 (directions against
the officers of gncetd who without having power)

ANIL DUTT SHARMA Petitioner

Through: Mr. Manoj Kumar Dwivedi, Mr.
Chirag Anand, Mr. Anshul Tiwari &
Ms. Meenu Singh, Advocates.

versus

POLICE COMPLAINTS AUTHORITY PUBLIC GRIEVANCE
COMMISSION & ORS Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for
the State with Mr. Alok Sharma, Mr.
Vasu Agarwal, Ms. Avantika Sharma,
Ms. Tamana Punia, Advocates.
Insp. Bhagwan Singh, Vigilance & SI
Naresh, P.S. ACB.
Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Vansh Luthra & Simran Arora,
Advocates.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
03.04.2024

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1. The present petition under Article 226 of the Constitution of India
read with Section 482 of the Cr.P.C. seeks the following prayers:

- “1. To direct Respondent no. 2, 3 85 4 to comply with the
orders/directions given by Respondent no. 1 vide Order dated
21/04/2017 and 22/11/2017.
2. To issue direction to Respondent no. 1 for giving explanation for



non-adherence and for not taking timely action and compliance to their directions and to issue explanatory call for Respondent no. 1, with regard to the fact herein that, if any of the authority does not comply with the orders, Respondent no. 1 should exercise its powers and take strict actions against the authority concerned.

3. That to issue direction for Government of NCT of Delhi to take appropriate action against the Respondent no. 2, 3 & 4 for not complying with the directions passed by Respondent no. 1.

4. That Respondent no.-1, i.e. Police Complaints Authority must be additionally administered and supervised by another authority for proper implementation of specific Guidelines.

5. That any other order which the Hon'ble Court deems fit and proper in the interest of justice.”

2. Learned Additional Standing Counsel for the State has filed an order dated 30.07.2018, passed by respondent no. 1 in the complaint of the present petitioner. The final order as placed on record reflects that the complaint made by the petitioner was with respect to:

- i. False implication in 08 cases of Extortion in different police stations of North East & Shahdara District of Delhi,
- ii. False implication in 04 cases of prevention of corruption (POC) Act, 1988 registered at P.S. Anti-Corruption Branch, Govt. of NCT of Delhi,
- iii. That he was illegally detained because he was arrested before registration of case FIR No. 51/14, PS-AC Branch, Delhi.”

3. It is further recorded in the said order that the allegations being serious in nature, respondent no. 1 took cognizance of the matter and decided to enquire into the veracity of allegations. It is further recorded that notices were issued to all the concerned parties to put forward their respective opinion. Thereafter it is recorded that due opportunity was given to the parties concerned in the hearings on 30.10.2016, 10.11.2017, 29.12.2017, 16.03.2018 and 18.05.2018. The respondent no. 1/authority



further records that necessary documents were produced and the opinion of the parties were taken both orally and in writing. It is further recorded that in compliance of the directions issued by the said authority, the Vigilance Branch of Delhi Police, concerned Units of Delhi Police and the Anti Corruption Branch, Delhi submitted their respective versions which included their status reports, documents, oral submission in respect of the 12 criminal cases pending against the complainant/petitioner.

4. The said authority proceeded to determine two issues mainly:

(i) Whether the criminal cases (FIR) registered against the complainant involve any malafide intention?

(ii) Whether the detention of the complainant by the Anti Corruption Branch, Delhi, after being caught red handed at about 02:35 PM amounted to illegal detention while the FIR in the matter was recorded at about 10.15 PM?

5. After dealing with the submissions made by the parties with respect to the said issues, the respondents/authorities made the following conclusion:

“CONCLUSION

The allegations in the present complaint is about false implication of complainant in criminal cases by police and wrongful detention in the red handed trap by Anti Corruption Branch officials. The proceeding held in this Authority were open giving opportunity to the parties in the case to put up their stand and also to submit their written arguments. The complainant, throughout, kept on sticking to his complaint and allegation made therein. While Anti Corruption Branch on the basis of the record and written submissions was able to convince and establish the sequence of events leading to complaint, approval of competent authority, process followed in laying trap and formal registration of FIR, followed by the arrest. The Anti Corruption branch, on its part, has successfully established that on receipt of the complaint from Sh. Joginder Singh it had swung into action with all sincerity. There is a clear trail of action which ultimately ended in the successful trap of the complaint. Further, sequence of events depict a clear picture of how the



officers of Anti Corruption Branch had acted in a well acknowledged and well established manner and had followed the process laid down under the law.

This authority is of the considered view that the proceedings conducted prior to registration of the case, as held by the courts in the above quoted judgements, are admissible as evidence. Further, this authority would like to abstain from commenting on an issue which has already reached the court of law. As such the complaint on this issue has no merits.

After perusing the contents of the statements, oral and written submissions of all concerned officials and complainant and documentary evidence on record, this Authority has come to the conclusion that complaint does not inspire any confidence and therefore deserve to be rejected for the reasons stated above.”

6. It is noted that certain directions were passed in the said order. Learned Additional Standing Counsel submits that the same were complied with and a supplementary status report dated 31.01.2020, authored by Sh. Pradeep Kumar, ACP/Legal Cell/Vigilance Delhi was filed, wherein it is recorded as under:

“2. Regarding the direction in Clause (b) of the order dated 30.07.2018 passed by the Police Complaints Authority (PCA) an intimation regarding the issue of illegal structure as detailed in the status report of Addl. C.P (Vig) dated 08.11.2017 was sent to the concerned MCD Office by the local police for the necessary action at their end. Moreover, in this matter total 12 sites were identified wherein the petitioner was found involved and therefore, 12 separate criminal cases were registered.

3. Regarding the direction in Clause (c) of the order dated 30.07.2018 passed by the Police Complaints Authority (PCA), submission is as under:-

Cases with FIR No. 58/14 and 59/14 u/s 7/8/13 POC Act P.S. ACB show connivance between accused/petitioner and MCD J.E. R.R.Meena, FIR No. 60/14 u/s 7/8/13 POC Act P.S. ACB shows connivance between accused/petitioner and MCD J.E. R.R.Meena and J.E. Sahil TYagi. These cases are being investigated by ACB Branch. This is how the nexus between the accused/petitioner and the MCD officials specially junior engineers was broken by the ACB.



The details of the cases registered at P.S. Anti Corruption Branch are as under:-

Cases registered in P.S. ACB.

S.N.	u/s	FIR No.	Date	Police Station	Complainant
1	PC Act	51	26.04.2014	ACB	Joginder Singh
2	PC Act	58	07.08.214	ACB	Mohd. Salim
3	PC Act	59	07.08.2014	ACB	Satbir Singh
4	PC Act	60	07.08.2014	ACB	Vinod Aggarwal

The present status of the cases registered at ACB and different Police Stations of North East & Shahdara District is as under:-

S. N.	u/s	FIR	Date	Police Station	Complainant	Status
1	PC Act	51	26.6.14	ACB	Joginder Singh	Challenged & Pending Trial since 21.08.14
2	PC Act	58	7.8.14	ACB	Mohd. Salim	P.I.
3	PC Act	59	7.8.14	ACB	Satbir Singh	P.I.
4	PC Act	60	7.8.14	ACB	Vinod Aggarwal	P.I.
5	PC Act	450	7.7.14	Seelam Pur	Abdul Shakeel	Put in Court on 17.9.14 vide RC No. 122/21/14 dated 17.9.14
6	PC Act	443	17.7.14	G.T. Enclave	Mahender Singh	Put in Court on 18.4.17 vide RC No. 541/21/17 Dated 18.4.17



7	PC Act	523	19.8.14	G.T. Enclave	Anil Goyal	Put in Court on 18.4.17 vide RC No. 541/21/17 dated 18.4.17
8	PC Act	524	19.8.14	G.T. Enclave	Satbir Singh	Cancelled due to similar fact of FIR No. 59/14 in P.S. ACB
9	PC Act	463	19.8.14	M.S. Park	Rajeev Sharma	Put in Court on 22.03.16 vide RC No. 494/21/15 Dated 27.09.15
10	PC Act	464	19.8.14	M.S. Park	Mohd. Saleem	Cancelled due to Similar fact of FIR No. 58/14 in PS ACB
11	PC Act	1110	19.8.14	Bhajan Pura	Ved Prakash	Put in Court on 10.04.17 vide RC No. 186/21/17 Dated 27.09.15
12	PC Act	1111	19.8.14	Bhajan Pura	Surender Kasana	Put in Court on 26.7.16 vide RC No. 131/21/16 Dated 26.7.16

7. Learned counsel for the petitioner submits that the order dated 30.07.2018 passed by respondent no. 1 is not valid as on the said date, respondent no. 1 was not in existence. It is noted that no documents have been placed on record with regard to the same.



8. Learned Additional Standing Counsel for the State further places reliance on a judgment of the Hon'ble Division Bench of this Court passed in LPA 667/2023 dated 10.10.2023, filed by the present petitioner, wherein the Hon'ble Division Bench while upholding the order passed by the learned Single Bench dismissed the petition filed by the present petitioner and observed as under:

“10. In the considered opinion of this Court, the learned Single Judge has rightly held that the petitioner is in the habit of filing unnecessary petitions. The petitioner was arrested on account of a criminal case arising out of FIR No.51/2014 and the petitioner's arrest is certainly justified. He was involved in a criminal case. As held by the learned Single Judge, the petitioner has not framed any substantial question of law in the present writ petition which requires transfer of the matter pending before the Special Judge.”

9. In view of the aforesaid order dated 30.07.2018, and subsequent status report placed on record, the present prayers need not to be adjudicated upon. In view thereof, the present petition is disposed of as infructuous.

10. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 03, 2024/bsr

Click here to check corrigendum, if any