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

+ **W.P.(CRL) 1577/2018 & CRL.M.A. 35090/2018 (police protection)**

DEEPALI AGGARWAL

..... Petitioner

Through: Mr. Dhruva Bhagat, Advocates
(through VC).

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Amol Sinha, ASC (criminal) for
the State with Mr. Ashvini Kumar and
Mr. Kshitiz Garg, Advocates.
Insp. Surendra Kumar & SI Jagdish,
Special Staff/RD.
Ms. Pallavi Vashisht, Advocate for R-
11-13 (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.02.2024

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

“a) To order the withdrawal of the investigation from Delhi Police of the FIR No. 181/15 under sections 354, 468, 506, 507. 509 of IPG and 67A of Information Technology Act titled as Deepali Aggarwal v/s unknown persons/relatives etc. and for entrustment to any independent agency such as CBI; because as per police own records, total officials, at least seven, i.e. 100% involved in the investigation intentionally played havoc and fraud with it.

b) To order the prosecution of the Respondents No. 4 to 10 for commission of offences as under section 212 of IPC and for non discharging of duties, conspired, colluded, connived with and harboured the accused and be punished suitably.

c) To issue Writ of Mandamus directing the CBI or similar agency / authority to initiate Court Monitored Investigation and take action against errant police officials who intentionally did not discharge



their duties, conspired, colluded, connived with and harboured the accused and be punished suitably.

d) Any further order and relief as deemed fit and proper in the facts and circumstances be also granted to the Petitioner.”

2. Learned counsel appearing on behalf of the petitioner, on instructions of the latter, submits that the aforesaid prayer ‘a’ has become infructuous on account of the fact that a chargesheet stands filed before the Court of competent jurisdiction. With respect to prayers ‘b’ and ‘c’, learned counsel for the petitioner draws the attention of this Court to a ‘Vigilance Enquiry’ conducted on the complaint of the present petitioner dated 06.01.2017, whereby suitable action was recommended with respect to respondents no. 8, 9 and 10 herein.

3. Learned Additional Standing Counsel has handed up in Court, a status report dated 08.02.2024, authored by Inspector Surender Kumar, Special Staff/RD. The same is taken on record. In the said status report, it is stated as under:

“It is submitted that vigilance enquiry was conducted into the complaint of Mrs. Deepali Aggarwal (Petitioner) and following action was taken against the erring police personnel:-

Sl. No.	Rank Name & No.	Action taken	Final Outcome	Present Posting
1.	Inspr. Ram Chader Dahiya, No. D-I/671	Explanation was called by DCP/SWD	Issued warning by DCP/North District	Retired from North Distt.
2.	SI G.R. Tanwar, No. D-3639	SCN was issued by DCP/OD	Withdrawn by DCP/OD being retired	Retired from Rohini District
3.	SI Ram Phool	No action was taken	being retired	Retired



4.	Inspr. K.P. Malik, No. D-I/436	SCN Issued by DCP/SWD	Issued warning by DCP/Dwarka	Security
5.	Ct. Aman Tanwar, No. 2996/RD	Explanation was called by DCP/NWD	Filed by DCP/NWD	Rohini District

1. That, later on, complainant/petitioner requested the competent authority for grating sanction u/s 197 CrC to prosecute the above police personnel.

2. That, the proposal for prosecution u/s 197 CrPC against above mentioned police personnel was sent to Hon'ble LG, Delhi. After going through material placed on record, the competent authority didn't find any cogent material to justify the grant of sanction. Thus, the same was rejected.

3. That, the Hon'ble LG Delhi further directed worthy CP/Delhi to ensure appropriate disciplinary action in the present matter as the action taken against the erring police officials does not seems to be commensurate with the gravity of lapses.

4. That, on receipt of directions from the competent authority, the matter was again looked into by Vigilance Branch/PHQ and detailed reply mentioning the reasons for action taken was sent to GNCT Delhi on 11/04/2022...”

4. The extracts of the reply sent to the GNCTD dated 11.04.2022 have been recorded in the aforesaid status report and are not being reproduced herein for the sake of brevity. A copy has been supplied to learned counsel for the petitioner.

5. Learned Additional Standing Counsel for the State submits that in case any response is received from the competent authority, necessary steps will be taken by the concerned branch. Learned Additional Standing Counsel further submits that the mobile number of the beat constable and the concerned SHO shall be provided to the petitioner and in case of any exigency, the said officers shall promptly respond, in accordance with law. Directed accordingly.



6. In view of the above, the present petition is disposed of with the aforesaid directions.

7. Pending applications, if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 09, 2024/nk