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

+ **W.P.(CRL) 928/2023 & CRL.M.A. 9038/2024**

AS

.....Petitioner

Through: Mr. Chayan Sarkar, Mr. Shailendra Kumar, and Ms. Arshnit Sandhu,
Advocates

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for the State along with Mr. Abhijeet Kumar, Ms. Amisha Gupta and SI Sanjeev Lehri, PS Cyber South East District.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
20.08.2025

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1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973¹ has been filed by a minor girl "A", through her mother, alleging acts of sexual harassment committed by Respondent Nos. 2 and 3, and, *inter alia*, seeking the initiation of departmental inquiry against the said Respondents.

2. Briefly stated, the factual matrix leading to the filing of the present petition is that a complaint was received at the Cyber Crime Police Station, Badarpur, Delhi, regarding the issuance of a forged arms license in the name

¹ "Cr.P.C."



“Petitioner had approached the Delhi High Court in Writ proceedings. The High Court was apparently of the view that it could not entertain the Writ Petition (Crl.) No. 928/2023, as a result of which it was disposed of as withdrawn on 29.03.2023.

Having considered the allegations, it is apparent that the misconduct and the offences alleged are against Delhi police personnel.

In the circumstances, this Court is of the opinion that the Petitioner should approach the Delhi High Court either with a request to revive the writ petition or file a fresh writ petition. In such case, the writ petition shall



be considered on its merits.

The present writ petition is disposed of.

Pending applications, if any, are disposed of.”

6. Pursuant thereto, the Petitioner has filed the instant petition seeking the following reliefs:

- a. Issue an order in the nature of writ of any nature whereby ordering an enquiry against the said illegal acts of the Respondents and order the registration of an F.I.R against the Accused persons and or;*
- b. Issue an order in the nature of any writ thereby ordering an enquiry against the illegal detention of the Petitioner's father and failure of due compliance of Section 41A CrPC; and or*
- c. Issue an order in the nature of any writ by initiating an independent probe into the matter by a retired Justice of Hon'ble Delhi High Court or by a retired Ld. District Judge; and or*
- d. Pass an order of suspension qua the Manzoor Alam and Mohit Chaudhary and two other unidentified police personnel of Delhi Police until the conclusion of such inquiry; and or*
- e. Direct the Respondents to produce the phone locations of the erring police personnel and two other unidentified police ' personnel for 06.10.2022; and or*
- f. Pass any other order as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the present case.*

7. As evident from the foregoing prayers, the Petitioner's grievances primarily relate to the conduct of Respondent Nos. 2 and 3, as well as other unidentified police personnel, concerning the acts of sexual assault allegedly committed on her. In response to these allegations, the State has placed on record several status reports. In particular, the status report dated 23rd August, 2023, filed on behalf of the State, sets out a detailed narration of the incident in the following terms:

“1. Briefly stated the facts of the case are that a case FIR vide No. 117/2022. Dt. 30/09/2022, U/s 468/471 IPC, registered at Cyber PS/SED on the complaint of Dalbir Singh, Inspector/EDP, Licensing Branch, Delhi Police. In his complaint, Inspector Dalbir Singh alleged that they are in receipt of a fake smart card Arms License bearing License No. SEOH/7I2014/1 valid up to 28/09/2025 in the name of one Om Prakash S/o Prahlad Singh. R/o 191, Tehkhand Alla Gaon, South Delhi Okhla Industrial Estate, Delhi having area validity Delhi (NCR),



UIN 517729814152717517.

2. After receipt of the complaint, FIR vide No. 117/2022, Dt. 30/09/2022, U/s 468/471 PC, Cyber PS/SED was registered and the investigation was taken up.

3. During the investigation, the name mentioned on the license i.e., Omprakash was called & interrogated who stated that he had given some amount to one Dharamveer for getting his Arms License from concerned. After that, Dharamveer has joined investigation on 01/10/2022 through Notice U/s 41A Cr.P.C. and he stated that he had given the amount given by Omprakash to one Vicky Abhishek Sinha (Father of the Petitioner) who posed himself as Railway worker for making the arms license. He further provided the screenshots of his WhatsApp chats with the alleged Vicky Abhishek Sinha.

4. After interrogation of Dharamveer, he provided a mobile number of the accused Vicky Abhishek Sinha as he did not know the whereabouts of accused Vicky Abhishek Sinha. After a lengthy analysis of CDRs of the suspect mobile numbers, discreet local enquiry and dedicated search. The address of accused was ascertained as Flat No. 55, Emerald Heights, Indraprastha, Ghaziabad, UP but the accused was found not residing there. After that, another address i.e.T-16/801, Orange Country, Indraprastha, Gaziabad UP was ascertained and the same was also visited but he was not found there also.

5. Later in the night of 05/10/2022 at about 11:30 PM SI Mohit while receiving a secret information, without any further delay, along with SI Manzoor Alam, SI Ashwani and Ct Mahesh departed for the search of father of the petitioner Vicky Abhishek Sinha and visited the address of father of the petitioner i.e.T-16/801, Orange County, Indraprastha, Gaziabad UP but no clue could be found. On local enquiry, it was found that the father of the petitioner was residing in T-3/903, Orange County, Indraprastha, Gaziabad UP. SI Mohit along with team and Guard of society knocked the door and informed that we are from Delhi Police but no response came from inside. There was a confusion whether the door is locked from inside or outside. Further the raiding team went to maintenance office of the society and with the help of Maintenance office head Neeraj Sharma it got confirmed at about 5 AM through analysis of CCTV footage that accused Vicky Abhishek Sinha is inside the above-mentioned premises, there after the local police was informed vide DD No. 008 DL. 06/10/2022 at Indrapuram Police station for assistance. While knocking the door the door got unlocked from inside at about 6 AM in the morning. Local Security guards namely Shishu Pal Singh S/O Indernal Singh R/O Vill Khiriya Dhumari, Etah, UP and H.no. 29, Akhilesh Vaidh Ji Gali. Makanpur, Indrapuram, Gaziabad, UP (Guard Supervisor) and Ranian Shukla S/O Rampal Shukla R/O Sansar1, Sitapur, UP (Guard) were present with the raiding team. Thereafter, the father of the petitioner came out of the



room. The petitioner was on a call over phone with local police and subsequently the Petitioner took over the call. The accused Vicky Abhishek Sinha was enquired about his identity and all the facts of the case were enumerated to him and was asked to produce his phone and laptop as the whatsapp Chat with Dharamveer was made with his phone and that needed to be verified. He did not give any satisfactory answer about his phone but after some time he produced his phone and the same was checked. While inspecting his phone, Whatsapp was found uninstalled from it. The images/pictures/videos were also deleted from the phone. When the father of the petitioner was enquired about the same he did not give any satisfactory answer. **Police officials of UP Police had also reached there for enquiry of the PCR call made by the petitioner.** Further, father of the petitioner Vicky Abhishek Sinha was served a notice u/s 41 A CrPC to join the investigation and the laminated fake arms license was recovered from his room on his instance. The father of the petitioner was asked to produce his laptop and printer through which he prepared the said license but he did not produce the same. As the accused was not cooperating in the Investigation, he was brought to the police station Cyber in custody for further interrogation.

6. That during interrogation, father of the petitioner i.e. Vicky Abhishek Sinha did not cooperate and was not disclosing about the printer & other gadgets etc. and on non-compliance of guidelines of Hon'ble Apex Court, father of the petitioner Vicky Abhishek Sinha was arrested in the above said case.

7. Later on, sustained interrogation, he disclosed that he along with Dharamveer and Satish were working together and took money on the behest of getting govt. jobs in govt. departments and to prepare fake Gov. documents like Arms License etc. He further stated that in the month of September, Dharamveer asked him to prepare an arms license in the name of Omprakash S/o Prahlad Singh. Dharamveer some amount to father of the petitioner for making the above said license. The father of the petitioner had prepared the above license and sent the copy of the said license to Dharamveer on WhatsApp for proof.

8. While going for medical examination and production of the father of the petitioner before concerned court, he escaped from the custody of Police by pushing the staff. In this regard, an FIR vide No. 118/2022, U/s 223/224 IPC has also been registered at Cyber PS/SED in which later on after completing the investigation, charge sheet has been filed in concerned court for trial.

9. During his escape from police custody from a local enquiry, his parental house in Patna Bihar could not be traced. That the father of the petitioner was a resident as tenant of T-3/903, Orange County, Indrapuram, Ghaziabad, UP from where he was firstly apprehended on 06/10/2022. Now, the said flat has already been vacated by the father of



petitioner. Before this, he was tenant at T-16/801, Orange Country, Indirapuram, Ghaziabad, UP. Presently, he has no permanent residence.

10. That during the period of his escape from police custody, the father of the petitioner Vicky Abhishek Sinha had moved an application for anticipatory bail before the Hon'ble High Court of Delhi vide Bail application No. 3489/2022 in which he had levelled various allegations upon the police party viz, "he had run away from the Police custody when he heard Police Officials saying that he shall be encountered on the way and then he shall be showcased before the media that he was involved in the gang of drugs and weapons", **That it is pertinent to mention herein that the father of the petitioner did not level any allegation regarding molestation of her daughter in the said anticipatory bail application moved before the Hon'ble Delhi High Court.**

11. That after arguments, the said petition was dismissed as withdrawn by the Court of Hon'ble Ms. Justice Swarana Kanta Sharma vide order dated 23/11/2022.

12. That the Petitioner was successful in evading police for more than 4 months. Later, the police received a secret information that the accused would come to MAX Hospital, Ghaziabad. The father of the petitioner Vicky Abhishek Sinha visited the hospital on 08.02.2023 where he was successfully arrested in both the cases.

13. That after his arrest in the cases, he disclosed that during his escape from the police custody, he has already destroyed the laptop and printer by which he prepared the fake arms license. hence section 201 IPC had also been added in the matter.

14. That the suspect Dharamveer S/o Late Sh. Rajender Singh has also joined investigation various times and provided various documents regarding involvement of father of the petitioner in such type of crime issuing various fake govt. jobs appointment letters having emblem and water marks viz. Delhi Police Sub inspector, various posts in Railway department to Dharamveer and his other family members.

15. The father of the petitioner is previously involved in such type of offences viz. providing jobs in govt. departments by issuing forged appointment letters. Various Complaints have been received against the father of the petitioner in various Police Stations including PS Cyber. SE regarding issuing various fake govt. jobs appointment letters having emblem and water marks viz. Delhi Police Sub Inspector etc, various posts in Railway department to the victims through WhatsApp and e-mails by fake domain. During analysis of CDR of father of the petitioner and on enquiry it was ascertained that he has cheated number of persons on the pretext of providing govt. jobs in various departments.

16. That after the 2nd arrest of the accused, he had moved his first



regular bail application U/s 437 CL.P.C. before the Ld. Court of Shivani Chouhan, CMM, Saket Courts, New Delhi and no such allegations of molestation were levelled in the bail application. The said bail application was dismissed on 1st March, 2023.

17. That it is pertinent to mention herein that after dismissal of his first regular bail application by the Ld. Court of Ms. Shivani Chouhan, CMM, Saket Courts, New Delhi vide order dt. 01/03/2023 which is after passing of around 05 months, various complaints regarding molestation of the petitioner had been moved against the raiding party/10 of the case just to hamper the investigation of the case. Further, anyway this fact is not related to the present case but it is very much important to mention herein that the father of the petitioner has moved various other complaints against the persons to whom he has cheated on the pretext of providing govt. jobs in various departments just to save his skin from the clutches of law.

18. That it is pertinent to mention herein that the allegations of molesting Were levelled after passing over more than 05 months of his first arrest i.e, 06/10/2022. No such allegations were earlier levelled even before any authority including Hon'ble Delhi High Court. Moreover, during the Judicial custody extension of the father of the petitioner on 09/02/2023 and 23/02/2023, the petitioner along with her family and counsel appeared before the court and no such allegations of molestation were levelled by the petitioner. From the above chronology of events, it is crystal clear that the allegations levelled by the petitioner regarding molestation are concocted one and are just to pressurize the law enforcement agency to hamper the investigation. The allegations of molestation were levelled after dismissal of first bail application of the father of the petitioner on 01/03/2023.

19. That it is also worth noting that with each application submitted by the father of the petitioner, he introduces new allegations against the law enforcement agency. This pattern of behavior exhibited by the father of the petitioner strongly suggests that both he and his family members are employing various strategies to intimidate the law enforcement agency and obstruct the case investigation. However, there is no factual basis for incidents of molestation or assault against the raiding party.

20. That proper information was given to concerned local police before raiding the accused on 06/10/2022. In this regard, DD entry was also lodged in concerned Police Station Indirapuram, Ghaziabad, UP vide DD No. 008 Dt. 06/10/2022. It is also pertinent to mention herein that the local security guards were also present with the police party during the entire raid along with Local police.

21. That it is pertinent to mention herein that the father of the petitioner has forged Arms License which undermines the effectiveness



and efficiency of law enforcement agencies, posing challenges to their investigative efforts, officer safety, and public trust. Further combating the forging of licenses and ensuring the integrity of licensing systems is crucial to maintaining the effectiveness of law enforcement operations related to firearms. Forging fire arms license have very negative impact over society too.

22. That the charge sheet in the case has been filed before the Hon'ble Court and the next date of hearing is fixed for 03/10/2023.

23. That after dismissal of first regular bail application of the father of the petitioner, the Advocate of the petitioner had moved an application to Commissioner of Police, Delhi, for initiation of disciplinary proceedings and sanction for prosecution against the Respondents No. 2 and 3 (who were part of the raiding party).

24. **That the enquiry was got conducted by PG Cell/South East District and after enquiry, the complaint was filed with the conclusion that the allegations seem to be afterthought as no such allegations leveled in previous bail application and the applicant had no locus standi to seek prosecution sanction from Delhi Police.**

25. It is also pertinent to mention herein that a PCR call was also made by the petitioner at 06:04 AM on the date of raiding i.e., 06/10/2022 during apprehension of her father as mentioned in the present petition. In this regard, it is submitted that the records of PCR call dated 06/10/2022 was obtained from UP Police wherein the remarks given by the PCR authorities are as follows, ““ As per the action taken report of PCR of UP Police it Was stated that "SIR JANKARI KAR MAUKE PAR GAYE, CALLER 8 SE BAAT HAI HAI DELHI POLICE HAI, KISI CASE ME JANKARIL KARNE KE LIYE AAYI HAI, PS INDIRAPURAM KI JANKARI ME HAL CHEETA NEETIKHAND BHI MAUKE PAR MAUJOOD HAL. SIR CALLER DAR GAYA THA SLIYE TI2 PAR CALL KAR DI THIL SIR PS INDIRAPURAM SE PHONE DWARA JANKARI KAR LI HAI,"

26. **That from the PCR call records above, it is evident that no such incident of molestation with the petitioner took place, as no allegations were levelled by the petitioner during enquiry by UP Police over PCR call.**

27. The raiding party was discharging their official duties as per law. Further, all the guidelines/instructions/directions issued by the Hon'ble Courts have been followed accordingly.

28. That leaving no stone unturned, the petitioner and her family members, including accused Vicky Abhisek Sinha, are employing various foul tactics, whether it's levelling allegations against IOs or resorting to any other means, in order to exert pressure on the law enforcement agency.”

[Emphasis Supplied]



8. A perusal of the aforesaid status report indicates that the allegations of molestation made by the Petitioner against members of the raiding party appear to be an afterthought. It is highlighted that no such allegations were made contemporaneously, neither in the anticipatory bail application filed by Mr. Sinha, nor during multiple judicial custody extension proceedings where the Petitioner, her family, and their counsel were present before the Court. Significantly, the allegations were raised for the first time more than five months after the initial arrest of the Petitioner's father on 6th October, 2022 and only after the dismissal of his first regular bail application.

9. Further, the internal inquiry conducted by the PG Cell, South-East District, has concluded that the allegations of molestation seemed to be an afterthought, and that the Petitioner had no *locus standi* to seek prosecution sanction against the police officials. The report also references the PCR call made by the Petitioner during the time of the raid; the records whereof indicates that no allegation of molestation was made by the Petitioner during the enquiry conducted by the UP Police pursuant to the said call. Based on the overall factual record, it was concluded that the allegations of molestation were made solely to exert pressure on the investigating agency and derail the legal process.

10. Furthermore, in continuation of the earlier status report, the State submitted a supplementary status report along with the findings of a departmental enquiry dated 12th April, 2023, conducted against the investigating officers in the subject FIR. This enquiry report reaffirmed the conclusions of the initial status report, holding that the allegations made by Vicky Abhishek Sinha and his family were afterthoughts, made with the intent to derail the investigation and to shield Mr. Sinha, from legal



consequences arising out of serious charges including the fabrication of a forged arms license. It was reiterated that despite the pendency of multiple legal proceedings, no allegations of molestation had been made by the complainant (the Petitioner's father) at those stages.

11. The enquiry concluded as follows:

"Enquiry revealed that Vicky Abhishek Sinha was arrested in case FIR No. 117/22 U/S 468/471 IPC and FIR No. 118/22 U/S 223/224 IPC. PS-Cyber Crime/SED on 07.10.2022 and he is in JC till date. The complainant did not level any allegation in his Bail application dated 24.02.2023. So allegations are seems to be afterthought. Further the complainant already made complaint in police station Indirapuram Gaziabad (UP) So he has no locus standi to seek prosecution sanction from Delhi Police."

12. Upon consideration of the material on record, it is observed that the relief sought in prayer (a), which pertains to enquiry into the conduct of the Respondents, stands satisfied. The enquiry report, which has been placed on record, does not disclose any material warranting prosecution of the Respondents.

13. With respect to prayer (b), which seeks an independent probe by a retired judge, it is well settled, as per the Supreme Court's judgment in ***State of W.B. v. Committee for Protection of Democratic Rights***² that such directions cannot be issued as a matter of routine or solely based on allegations against the local police. Moreover, having considered the observations set out in the status report and the findings of the enquiry report, this Court finds no justifiable basis to exercise its extraordinary jurisdiction to direct any such independent investigation.

14. The prayer (c), seeking suspension of Respondent Nos. 2 and 3, along with other police personnel, is entirely misplaced. Such administrative

² (2010) 3 SCC 571.



directions fall beyond the jurisdiction of this Court. Likewise, the reliefs sought in relation to the production of mobile phone location data and Call Detail Records of Respondent Nos. 2 and 3 and other police officials are also misplaced and wholly unsustainable in the facts of the case noted above.

15. Accordingly, all reliefs sought in the present petition stand dismissed.

16. Dismissed, along with pending applications.

SANJEEV NARULA, J

AUGUST 20, 2025/MK