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

+ W.P.(CRL) 1983/2022

SUNIL KUMAR

.....Petitioner

Through: Mr. Vinay Kumar, Mr.
Manan Aggarwal, Mr.
Gaurav Kumar, Mr. Veeru
Kumar and Mr. Jeeshan
Sharik, Advocates.

versus

THE COMMISSIONER
OF POLICE DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for
the State with Mr. Kshitiz
Garg, Mr. Ashvini Kumar,
Ms. Chavi Lazarus, Mr.
Nitish Dhawan, Mr.
Manan and Ms. Sanskriti
Nimbekar, Advocates.
SI Vijay Kumar, PS
Kalkaji.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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08.10.2025

1. The present petition has been filed by the petitioner seeking the following prayers:

"A. Issue a writ of mandamus, or any other appropriate writ, order or direction to the respondent to register an FIR against the S.H.O. Police Station Kalkaji and the police officer Bijender Bisht along with all the police officials of P.S. Kalkaji who are involved in the crime against the petitioner of police brutality, illegal detention/custody, abduction, extortion, abusing, beating, torturing in late night hours in police station.

B. Issue a writ of mandamus, or any other appropriate writ, order or direction to refer the investigation with regard to the above mentioned offences to any other independent investigation agency such as CBI since the police official of the S.H.O. rank along with large number of Delhi Police officials



are involved in the above mentioned crime against the petitioner.

C. Pass any other order or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The brief facts are that on 16.06.2024 at 12:40 a.m., the petitioner along with his friend was returning home after attending a dinner party.
3. It is alleged that the petitioner was abruptly stopped by some police officials who were not in proper uniform. It is alleged that the said police officials, thereafter, asked the petitioner to show his identity card.
4. It is alleged that after seeing the identity card of the petitioner, the said police officials kept the same and thereafter one of the police officials told the others to take the petitioner to Police Station Kalkaji.
5. It is alleged that the petitioner refused to go to the Police Station, whereafter, two of the police officials forcibly pushed the petitioner into the police van and took him to Police Station Kalkaji.
6. It is alleged that after reaching the said Police Station the petitioner was locked inside a room and was allegedly beaten by the said police officials. It is alleged that due to the said beatings the ear of the petitioner started to bleed.
7. It is alleged that the petitioner requested the police officials to give his mobile phone in order to inform his family about the alleged illegal detention by the said police officials, however, the police officials refused to the same and allegedly kept on beating the petitioner.
8. It is alleged that the petitioner even requested the police



officials to provide medical treatment to him on account of his bleeding ear, however, no medical aid was provided to the petitioner.

9. It is alleged that the said police officials started pressurizing the petitioner in order to extort money from him, whereafter, the petitioner asked his friend to call his parents and inform them about the alleged incident.

10. It is alleged that the parents of the petitioner after reaching the Police Station were told that the petitioner was caught consuming liquor and case shall be registered against him. It is alleged that thereafter the police officials demanded a sum of ₹20,000/- from the parents of the petitioner for releasing him.

11. It is alleged that the parents of the petitioner handed over the aforesaid amount to the said police officials, whereafter, the petitioner was released from the alleged illegal custody. It is alleged that the police officials thereafter took signatures of the petitioner on some blank papers and threatened the petitioner by saying that if he complains about the alleged incident to anyone he will be killed or will be falsely implicated in a case.

12. It is alleged that after reaching his house the petitioner dialled 100 from his mobile phone and informed regarding the alleged incident and further requested to preserve the CCTV footage of the concerned Police Station.

13. It is alleged that instead of a PCR the same police officials had come to the house of the petitioner and allegedly started beating the petitioner. It is alleged that thereafter the said police officials once again took the petitioner to Kalkaji Police Station.

14. It is alleged that after reaching the said Police Station the police once again asked the petitioner to sign on some blank



papers and write a letter stating that the he had dialled 100 due to some confusion, however, the dispute now has been resolved.

15. It is alleged that thereafter one police official namely Mr. Bijender Bisht who had allegedly beaten the petitioner took the petitioner along with his friend to Apollo Hospital for medical examination, whereafter, the Doctor present wrote something on a paper as directed by Bijender Bisht.

16. It is alleged that due to the alleged incident, the petitioner developed mental trauma due to which he could not complain about the alleged incident to anybody.

17. It is alleged that the petitioner after gaining some courage reported the alleged incident through e-mail to the respondent authorities requesting strict actions against SHO of Kalkaji Police Station and other police officials, however, even after such complaint no FIR was registered by the respondent authorities.

18. The learned counsel for the petitioner submits that alleged acts done by the police officials have resulted in mental as well as physical injuries to the petitioner and such acts call for registration of an FIR against the said police officials.

19. He submits that the alleged acts of the police officials have been captured in the CCTV camera installed in the lane where the petitioner resides.

20. *Per contra*, the learned Additional Standing Counsel for the State submits that a proper enquiry had been conducted by the police and nothing incriminating was found against the said police officials.

21. The petitioner in the present case has essentially approached this Court under Article 226 of the Constitution of



India, 1950 seeking registration of FIR against SHO Police Station Kalkaji and other police officials alleging that they were involved in brutality and illegal detention of the petitioner. It is further alleged that they have extorted money from the petitioner.

22. This Court *vide* order dated 31.08.2022 issued notice to the State and directed them to file a detailed status report regarding the alleged incident.

23. The State in pursuance of the same conducted an enquiry into the alleged incident through the ACP and thereafter filed a detailed status report.

24. From a perusal of the said status report indicates that on the day of the alleged incident Assistant Sub-Inspector Rakesh Kumar and Head Constable Bijender Singh after attending a PCR call saw the petitioner consuming liquor near the spot of the alleged incident.

25. It is further noted that the petitioner after seeing the police threw away the liquor bottle and after being questioned regarding the same the petitioner allegedly started to argue with the said police officials, whereafter, the petitioner was brought to Police Station Kalkaji and upon conducting a test with an Alcometer, the BAC of the petitioner was found to be 141/100 ml. Pursuant to which the police officials registered a case under Section 40A of the Delhi Excise Act, 2009 and released the petitioner after completing all formalities.

26. The status report further notes that the petitioner under the influence of alcohol had made a PCR call at about 3:19 a.m. alleging that he and his friend had been assaulted by the police officials of Police Station Kalkaji.

27. The police in pursuance of the said PCR call reached the



residence of the petitioner and in view of the allegations levelled by the petitioner took him to ESIC Hospital to conduct his medical examination, wherein, the doctor opined that the petitioner had no fresh injuries, however, there were traces of alcohol in his breath.

28. It is pertinent to note that, thereafter, the petitioner himself gave an undertaking that his grievance has been resolved and he does not want any further action. Further, the friend of the petitioner namely Manish who was also alleged to be beaten up by the said police officials gave an under taking stating that the petitioner had made the aforesaid PCR call in the influence of alcohol and neither he nor the petitioner were beaten by the police officials.

29. During the course of enquiry the said police officials were examined who denied the allegations levelled by the petitioner and stated that it was the petitioner who was consuming liquor at a public place which led to registration of a case under Section 40A of the Delhi Excise Act, 2009.

30. Efforts were also made to examine the friend of the petitioner Manish, however, he did not join the said enquiry.

31. The Courts have time and again held that the remedy under Article 226 of the Constitution of India, 1950 is not to be invoked for the purpose of adjudication of disputed questions of facts of such nature which would require elaborate evidence to be adduced and may involve the cross-examination of witnesses.

32. The Hon'ble Apex Court in ***Chairman, Grid Corporation of Orissa Ltd. (GRIDCO) & Others v. Sukamani Das (SMT) & Another: (1999) 7 SCC 298***, held as under:



“6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that “admittedly/prima facie amounted to negligence on the part of the appellants”. The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come in contact with the wire. In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped because of circumstances beyond their control or unauthorized intervention of third parties or that the deceased had not died in the manner stated by the petitioners. These questions could not have been decided properly on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy. The High Court has not and could not have held that the disputes in these cases were raised for the sake of raising them and that there was no substance therein. The High Court should have directed the writ petitioners to approach the civil court as it was done in OJC No. 5229 of 1995.”

(Emphasis supplied)

33. In the present case, no evidence has been led by the petitioner before this Court to prove the alleged incident. Further, the CCTV footage relied upon by the petitioner is of the time when the police officials visited the house of the petitioner pursuant to the PCR call made by him and from the perusal of the same nothing incriminating can be seen in the same.

34. It is also relevant to note that neither the petitioner’s friend nor his relatives allege that the petitioner was beaten by the said



police officials and all of them gave an undertaking stating that the PCR call was made by the petitioner under the influence of alcohol and no one was beaten by the said police officials.

35. Therefore, in view of the aforesaid discussion, this Court on considering the status report is of the opinion that complaint of the petitioner does not merit registration of an FIR against the said police officials.

36. The present petition is therefore dismissed. Pending Application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

OCTOBER 8, 2025

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