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

+ W.P.(CRL) 2081/2022

HARPREET SINGH @KASHISH

.....Petitioner

Through: None.

versus

THE STATE THROUGH ITS SECRETARY
& ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, Additional
Standing Counsel for State with Mr.
Arjit Sharma and Mr. Nikunj Bindal,
Advocates.
SI Pardeep Kr., PS Rajouri Garden

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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11.02.2025

1. The instant writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Code”) has been filed on behalf of the petitioner seeking issuance of directions in the nature of writ of mandamus for restraining the respondents for declaring the petitioner as Bad Character (hereinafter “BC”) within the jurisdiction of Police Station – Rajouri Garden, New Delhi.
2. No one appeared on behalf of the petitioner.
3. Learned APP appearing on behalf of the State submitted that the petitioner is a habitual offender and has been involved in four cases, basis which he was declared a BC of the Police Station – Rajouri Garden, New Delhi, on 31st May, 2021.



4. It is submitted that the petitioner's name has been included in the surveillance register and therefore, the respondents are keeping a close watch on his movements without interfering with his liberty and movement.

5. In view of the foregoing submissions, it is prayed that the instant writ petition may be dismissed.

6. Heard learned APP for the State and perused the material placed on record.

7. It is trite law that the powers envisaged under Article 226 of the Constitution as well as Section 528 of the BNSS (Section 482 of the Code) are wide in nature and hence, the same must be used sparingly, carefully and only in exigent cases. Article 226 of the Constitution may be invoked to issue an appropriate writ to any person or authority when there is a violation of fundamental rights or for any other purpose.

8. Adverting to the present case, this Court has perused the contents of the writ petition and it is the case of the petitioner that the concerned police authority arbitrarily declared him as a Bad Character, without considering the fact that he was not involved in the commission of any heinous offence. It also stated that the petitioner was not convicted in any of the cases registered against him and therefore, declaring him to be a Bad Character within the jurisdiction of Police Station – Rajouri Garden, New Delhi is violative of his fundamental rights under Article 21 of the Constitution of India.

9. At this juncture, it is pertinent for this Court to examine whether the petitioner's declaration of Bad Character lacks sufficient reasons. In light of the same, for the sake of convenience, the relevant portion of the Status Report i.e., Paragraph no. 2 is reproduced hereunder –



“2. Brief facts leading upto the present case that the petitioner Harpreet Singh @ Kashish S/o Sh. Jaspal Singh R/o H. No. E-88-89, J.J. Colony, Raghubir Nagar, New Delhi has been previously involved in the following cases: -

a) Case FIR No- 785/2016 U/s 323/341/452/34 IPC, PS- Rajouri Garden, Delhi (Quashed on 17.01.2022 by Hon'ble court of Ms Anu Malhotra, Justice, Delhi High Court)

b) Case FIR No- 468/2020 U/s 323/341 IPC, PS- Rajouri Garden, Delhi, (Pending trial before Hon'ble court of Ms Devanshi Janmeja, Ld MM, Tis Hazari Court, New Delhi' and Next date of hearing is 21.04.2023)

c) Case FIR No- 295/2021 U/s 3/4/5/6 Gambling Act, PS- Rajouri Garden, Delhi, (Pending trial before Hon'ble court of Ms Devanshi Janmeja, Ld MM, Tis Hazari Court, New Delhi and Next date of hearing is 21.04.2023)

d) Case FIR No- 347/2021 U/s 12/9/55 Gambling Act, PS- Rajouri Garden, Delhi, (Pending trial before Hon'ble court of Ms Devanshi Janmeji, Ld MM, Tis Hazari Court, New Delhi and Next date of hearing is 11.05.2023)”

10. Upon perusal of the Status Report and Previous Conviction/Involvement Report filed by the State, it is observed that there are four FIRs lodged against the petitioner i.e., FIR bearing nos. 0785/2016, 0468/2020, 0295/2021 and 0347/2021 at Police Station – Rajouri Garden, New Delhi. Out of the said FIRs, one FIR bearing no. 785/2016 registered under Sections 323/341/452/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) was quashed by a Coordinate Bench of this Court vide order dated 17th January, 2022 on the basis of settlement. The proceedings in the remaining FIRs are pending adjudication before the Court concerned.

11. Taking into consideration the contents of the Status Report and the



Previous Conviction/Involvement Report, this Court finds that there are sufficient reasons for declaring the petitioner a Bad Character within the jurisdiction of Police Station – Rajouri Garden, New Delhi, as all the FIRs have been lodged within the said jurisdiction. It is also taken into consideration that out of the four FIRs lodged against the petitioner, one FIR bearing no. 785/2016 was quashed based on the settlement between the parties and not on the merits of the case.

12. Therefore, in light of the foregoing discussion, the instant matter is not a fit case for this Court to exercise its powers under Article 226 of the Constitution or Section 528 of the BNSS (Section 482 of the Code) and in view of the same, this Court does not find any merit in the instant petition.

13. Accordingly, the instant writ petition is dismissed alongwith pending applications, if any.

CHANDRA DHARI SINGH, J

FEBRUARY 11, 2025

Ab/mk

[Click here to check corrigendum, if any](#)