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

+ **W.P.(CRL) 2663/2023 & CRL.M.A. 25106/2023**

RIYAZUDDIN

.....Petitioner

Through: Mr. Rabindra Singh, Ms. Ekta Singh,
Advocates.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
the State with Ms. Amisha Gupta,
Advocate along with SI Pankaj
Kumar, PS Jyoti Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.11.2025

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1. The Petitioner states that he hired one RTV DL1VA 9373 in January 2022 for commercial use. On 1st February, 2022, at about 8:30-9:00 AM, near Loni Border MCD Toll, while proceeding towards Gagan Cinema, an Auto allegedly struck his vehicle and an altercation ensued. However, with the intervention of bystanders, the matter was resolved at the spot. The Petitioner alleges that shortly thereafter, a PCR van, driven by Constable Shokender with ASI Yogender present, intercepted his RTV and informed him that a call had been received accusing him of fleeing after hitting an Auto, and that he would be arrested and the vehicle seized at P.S. Jyoti Nagar. Further, the Petitioner alleges that ASI Yogender demanded INR 5,000/- to avoid implication, and that Ct. Shokender insisted that at least INR 2,000/- be paid. The Petitioner claims he paid INR 1,500/- and then



INR 500/- (total INR 2,000/-) to ASI Yogender, which the conductor, Monu, recorded on the Petitioner's phone.

2. The Petitioner further alleges that about fifteen days later, ASI Yogender again stopped the RTV and demanded a monthly payment of INR 3,000/- to allow the vehicle to operate in the area; INR 3,000/- was allegedly paid in March 2022 and INR 6,000/- in May 2022. A CD containing the video of the incident dated 1st February, 2022 was submitted with a written complaint seeking criminal and departmental action against the officials concerned.

3. Aggrieved by the alleged inaction of the Respondents, this petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) has been filed, seeking the following reliefs:

“(a) Issue a writ in nature of mandamus or any other appropriate writ, order or direction thereby commanding and directing the respondents to immediately register a formal case/FIR in the matter on the basis of the complaint given to them and carry out fair and expeditious investigation thereof, in the interest of justice.

(b) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby commanding the respondents to fix responsibility for the mess and punish the guilty officials for gross dereliction of their public duty to uphold the law instilling confidence of citizenry in the system.

(c) To ensure safety and security of the petitioner while safeguarding his life and liberty against the arbitrary and illegal actions of the respondents and their subordinates restraining them from further implicating the petitioner for oblique purpose in brazen abuse of their authority.

(d) To award the cost of the proceedings.”

4. In response, a Status Report has been filed by the State, which states

¹ “BNSS”

² “CrPC”



as follows:

“3. The complaint of Mr. Riyazuddin was sent to DCP Vigilance for enquiry. The complaint was marked to Insp. Nipun Kumar vide Verification No. 136/SO/DCP/Vig dated 16th September, 2022.

4. During enquiry, it came to knowledge that FIR No. 241/2022 dated 24th February, 2022 U/s 389/411/34/120-B IPC was registered at PS Jyoti Nagar, District North-East, Delhi related to this incident on the complaint of ASI Yogender No. 319/PCR. As per FIR, ASI Yogender made a complaint that an unknown person threatened him to pay Rs. 3 Lacs or he will send the Video Clip in which he is seen accepting money to his senior officers. On 24th February, 2022 one Upender Singh S/o Surender Singh R/o Prem Vihar, Karawal Nagar, Delhi was apprehended while accepting cash Rs. 1 lac from ASI Yogender after which FIR No. 241/2022 PS Jyoti Nagar, Delhi was registered. The case is pending investigation with SI Sohan Thakur, PS Jyoti Nagar, Delhi.

5. Efforts were made to contact complainant Riyazuddin S/o Sh. Nijamuddin. His address given in the complaint, i.e., H. No. 851/70, Budh Vihar Colony, Mandoli, Delhi was untraced. On contacting mobile No. 9761106368, the person stated that he is known to Riyazuddin. Riyazuddin is away at his native village. The person never gave address of Riyazuddin. Further enquiry revealed that one more case FIR No. 486/2022 dated 21st October, 2022 U/s 384/34 IPC PS Seelam Pur, Delhi was registered against Riyazuddin. Later, Riyazuddin with his counsel came to Vigilance Branch, Delhi on 19th December, 2022 and statement with complete address as H. No. 85/170, Budh Vihar, Mandoli, near Madina Masjid, Delhi-93 age 42 Yrs Mob. No. 9891429804 was recorded in presence of his counsel. On 27.12.2023, conductor of RTV Bus who identified himself as Monu Chaudhary S/o Sh. Ravendra Singh R/o Vill. Badesara, District Aligarh, U.P. Mob. No. 6398942011 came to Vigilance Branch, Delhi and joined enquiry. His statement was recorded. Statement of ASI Yogender & Ct. Shokender. Mr. Riyazuddin's allegation of paying Rs. 3000/- in March, 2022 and Rs. 6000/- in May, 2022 when FIR No. 241/2022 dated 24.02.2023 PS Jyoti Nagar, Delhi for extortion was already registered on the complaint of ASI Yogender is not justified. Conduct of ASI Yogender in accepting money on behalf of TSR Driver to effect compromise and not producing both the vehicles involved in accident before the emergency officer was found unprofessional. Departmental Enquiry was initiated against ASI Yogender on the complaint of Mr. Riyazuddin vide order No. 8385-8425/HAP/P-II/PCR dated 23rd August, 2023.

6. FIR No. 486/2022 dated 21.10.2022 U/s 384/34 IPC PS Seelam Pur, Delhi was registered on the complaint of Ct. Amit Belt No.



6192/T posted with Traffic Unit. In his complaint he stated that Sanjay Gupta, Shoeb Ansari, Riyazuddin, Rajbir Bansal, Raju Meena extorted a sum of Rs. 50,000/- from him at Seelam Pur by threatening him to make his video clip viral in which he is seen accepting money. Further investigation into this case was transferred to Vigilance Branch, Delhi vide order dated 14th February, 2023 by Hon'ble Mr. Justice Jasmeet Singh while hearing Bail application No. 309/2023 by accused person.

7. As per SCRB Delhi records, Petitioner, Riyazuddin S/o Nizamuddin R/o 85/170, Budh Vihar, Mandoli, Delhi is previously involved in FIR No. 024/2010 U/s 279/304 IPC & 468/471/420/120-B IPC PS Civil Lines, Delhi.

8. Now by the present petition, the Petitioner has prayed to register a formal case/FIR on the basis of his complaint, to fix responsibility and ensure safety and security of the Petitioner, to award cost of proceedings, any other relief.”

5. The material placed on record indicates that the Petitioner's grievance has, in fact, been acted upon. His complaint was forwarded to the Vigilance Branch, where an initial enquiry was conducted; statements of the Petitioner and the conductor, Monu, were recorded; and the video recording relied upon by the Petitioner was examined. This is corroborated by the Petitioner's own RTI applications addressed to the Deputy Commissioner of Police, as well as by the Order dated 23rd August, 2023 issued by the DCP, Operations & PCR, Delhi, which records that an enquiry had been undertaken. Consequent to that enquiry, a departmental proceeding has already been initiated against ASI Yogender for unprofessional conduct vide Order No. 8385-8425/HAP/P-II/PCR dated 23rd August, 2023. Thus, the grievance raised by the Petitioner has not been ignored or left unattended.

6. The status report further discloses that FIR No. 241/2022 dated 24th February, 2022 was registered at P.S. Jyoti Nagar under Sections 389/411/34/120B of the Indian Penal Code, 1860, on the complaint of ASI Yogender, arising out of the same incident. As per the FIR, ASI Yogender



alleged that an unknown person threatened him to pay INR 3,00,000/-, failing which a video clip showing him accepting money would be forwarded to his senior officers. On 24th February, 2022, one Upender Singh was apprehended while accepting INR 1,00,000/- from ASI Yogender, pursuant to which the FIR was registered. The status report states that investigation in FIR No. 241/2022 is presently underway with SI Sohan Thakur, P.S. Jyoti Nagar in charge of the investigation. In view of the above, the allegations now sought to be pressed by the Petitioner already form the subject matter of enquiry in FIR No. 241/2022.

7. In view of the above, it is evident that both a criminal investigation and a departmental proceeding are already in progress. Since FIR No. 241/2022 encapsulates the allegations sought to be relied upon by the Petitioner, directing registration of a second FIR on the same set of facts is not warranted. The appropriate course for the Petitioner would be to place any further material, including the video recording and statements of the Petitioner and the conductor, Monu, before the Investigating Officer in FIR No. 241/2022 or the concerned disciplinary authority, and permit those proceedings to take their lawful course. No case of nonfeasance or wilful inaction is made out so as to warrant issuance of a writ of mandamus or a direction for registration of a second FIR.

8. With respect to the Petitioner's prayer for fixing responsibility and punishing the officials concerned, this Court cannot undertake a parallel fact-finding exercise in proceedings under Article 226 of the Constitution. The status report demonstrates that the Vigilance Branch has already acted upon the Petitioner's complaint and that a departmental enquiry against ASI Yogender is underway. That process must be permitted to conclude in



accordance with law, and no further directions are warranted at this stage.

9. As regards the request for protective directions, the petition does not disclose any specific, immediate, or substantiated threat to the Petitioner's life or liberty that would necessitate issuance of such orders.

10. The pending departmental inquiry against ASI Yogender may be carried to its logical conclusion expeditiously and uninfluenced by any observations made herein.

11. In view of the foregoing, the petition stands disposed of with liberty to the Petitioner to avail appropriate remedies in accordance with law.

SANJEEV NARULA, J

NOVEMBER 14, 2025/ab