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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2018/2024 & CRL.M.As. 19595/2024, 19596/2024**

DEVI PRASAD & ANR.

.....Petitioners

Through: Mr. Rakesh C. Agrawal, Mr. Kartik
Kumar Aggarwal, Mr. Shivansh
Nagpal and Ms. Komal Gupta,
Advocates

versus

**THE STATE NCT OF DELHI THROUGH THE STATION HOUSE
OFFICER POLICE STATION ANAND VIHAR & ORS.**

.....Respondents

Through: Mr. Alok Sharma, Advocate for Mr.
Anand V. Khatri, ASC for State along
with SI Dheer Singh, PS: Anand
Vihar
Mr. Dalip Kr. Malhotra and Mr.
Rajesh Kr. Malhotra, Advocates for
R-2 (Through VC)
Mr. T. Singh Dev, Mr. Saurabh
Kumar, Mr. Abhijit and Ms. Anum
Hussain, Advocates for R-3
Respondent No. 4 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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17.01.2025

1. This is a petition filed seeking reliefs with respect to FIR No. 721/2007 dated 28.12.2007 registered under Section 287/338 of the Indian Penal Code, 1860 ('IPC') at P.S. Anand Vihar [now Shahdara]. In addition, the Petitioner also seeks reliefs qua the professional/advocate i.e. Respondent No. 4 engaged by the Petitioner to represent the Petitioner in the



proceedings emanating from the subject FIR.

2. Mr. Alok Sharma, Advocate appearing for the State relies upon the status report dated 15.10.2024.

3. He states that in this matter, the concerned Court vide order dated 06.05.2009 has returned a finding that no offence under Section 287/338 of IPC has been made out against the accused. And, accordingly, the accused was discharged by the concerned Court vide order dated 06.05.2009.

4. In addition, Mr. T. Singh Dev, learned Standing Counsel appearing for Respondent No. 3 i.e., Bar Council of Delhi states that no complaint has been filed by the Petitioner against Respondent No. 4/the professional before the Bar Council of Delhi ('BCD'). He states that upon the complaint being received, the same will be decided in accordance with law.

5. Respondent No. 4 is personally present in Court.

5.1. He states that he is not an advocate by qualification and nor is he enrolled with the Bar Council of Delhi ('BCD').

5.2. He states that he has not represented himself as an advocate either to the Petitioner and nor has he appeared in before the Trial Court in the criminal proceedings pertaining to the FIR. He, however, states that his father was enrolled as an advocate.

6. Mr. T. Singh Dev, learned counsel appearing for BCD states that in view of the stand taken by Respondent No. 4 that he is not an enrolled advocate, Respondent No. 3 has no jurisdiction over the said Respondent.

7. Learned counsel for the Petitioner states that in view of the status report filed by Respondent No. 1, he seeks leave to withdraw the present petition qua the reliefs sought against Respondent No. 1 to avail his remedies against the order dated 06.05.2009 in accordance with law.



7.1. He further states that in view of the statement of Respondent No. 4 that he is not an enrolled advocate with the Bar Council of Delhi or any other State Bar Council, he submits that he seeks to withdraw his relief qua the Bar Council of Delhi i.e. Respondent No. 3.

7.2. He, however, states that he disputes that Respondent No. 4 had not represented himself as an advocate to the Petitioner. He relies upon the photograph of the Respondent No. 4 in which Respondent No. 4 is wearing the lawyer robes. He submits that Petitioner reserves his right to avail his remedies against Respondent No. 4 for the mis-representation in accordance with law.

8. Respondent No. 4 does not dispute the photograph, he however states that he has not represented himself as a lawyer to the Petitioner.

9. The submissions and statements of all the parties are taken on record. The parties are bound down by the same.

10. The Petition is disposed of reserving liberty to the Petitioner to avail his remedies against the order dated 06.05.2009 and Respondent no. 4 before the appropriate forum in accordance with law.

11. It is made clear that nothing stated in this order shall be construed as an expression of opinion on the merits of the submissions of the parties.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 17, 2025/rhcMG