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

+ **W.P.(CRL) 2905/2023 & CRL.M.A. 2244/2025**

DILIP GUPTA

.....Petitioner

Through: Mr. Ashok Kumar, Advocate.

versus

THE STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Ms. Chavi Lazarus, Mr. Nitish Dhawan and Ms. Sanskriti Nimbekar, Advocates.
SI Ankur Sajwal, DIU/ South Distt.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.09.2025

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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 seeks a direction to Respondent No. 1 to initiate disciplinary proceedings against Respondents Nos. 2 to 4 for failing to register an FIR regarding the alleged trespass, disrobing, abuse, and assault of the Petitioner's wife and children; for wrongfully confining the Petitioner in the lock-up of P.S. Sangam Vihar; and for registering a false case, *i.e.*, FIR No. 682/2023² under Sections 323/341/34 of the Indian Penal Code, 1860.³

2. Briefly stated, the case of the Petitioner is as follows:

¹ "Cr.P.C."

² "impugned FIR"



2.1. In February 2023, the Petitioner had requested one Mr. Jai Prakash Pandey to lend him INR 50,000/- at 3% monthly interest, which was agreed upon. Subsequently, a total sum of INR 1,00,000/-, was disbursed to the Petitioner, repayable in nine monthly instalments. The Petitioner paid the first instalment in cash and four subsequent instalments online (each amounting INR 8,500/-). Additionally, Mr. Pandey and his wife accepted INR 25,000/- in two instalments from the Petitioner's wife.

2.2. On 28th August 2023, at approximately 8:30 p.m., Mr. Pandey's wife, sons and other family members, acting in concert, forcibly entered the Petitioner's residence in his absence, seized the mobile phone of his wife, and subjected her, and his children to verbal abuse and physical assault. Mr. Pandey also arrived subsequently and joined the assault, demanding further money and forcibly dragging the Petitioner's wife outside the house while tearing her clothes. The neighbours intervened and rescued the family; however, the Petitioner's wife was unable to call the police as her mobile phone was damaged during the incident.

2.3. When the Petitioner returned home, Respondent No. 4/Head Constable Jitender Yadav directed the Petitioner and his wife to proceed to P.S. Sangam Vihar. At the police station, Respondent No. 3/SI Talib Khan informed the Petitioner that Mr. Pandey and his family had lodged the impugned FIR against them. Pursuant thereto, the Petitioner was detained in the lock-up and released the following day, around noon.

2.4. Thereafter, Respondent No. 4 and other police personnel started visiting the Petitioner's residence regularly, and frequently summoned the Petitioner and his wife to the police station, where they were made to sit for

³ "IPC"



several hours. This is corroborated by CCTV footage. Further, this conduct impeded the ability of the Petitioner and his wife to earn a livelihood.

2.5. On 24th September, 2023, at approximately 9:30 p.m., Respondent No. 4, along with other police officials of P.S. Sangam Vihar, visited the Petitioner's residence and recorded his statement on a plain paper. He also blackmailed the Petitioner and his wife, claiming that Mr. Jai Pandey is well acquainted with Respondent No. 2/ Inspector Saroj Tiwari (SHO), and therefore, they should be prepared to face incarceration.

2.6. The Petitioner filed an application for anticipatory bail before the Trial Court. However, since the offences under Sections 323/341/34 IPC are bailable, the Petitioner withdrew his application.

2.7. The Petitioner subsequently made a representation to Respondent No. 1 seeking disciplinary action against Respondents Nos. 2 to 4 for failure to register an FIR relating to the trespass, disrobing, abuse, and assault of his wife and children; wrongful confinement of the Petitioner; and for the registration of a false case against him. However, no action has been taken thereon, to date.

3. Aggrieved, the Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 Cr.P.C.

4. Considering the nature of reliefs sought, this Court, on 6th October, 2023, had directed the Deputy Commissioner Police, DCP South to conduct an enquiry into the allegations raised by the Petitioner and submit a report to that effect. In compliance thereof, the enquiry report has been placed on record, the relevant portion of which is reproduced hereinunder:

<i>Sl. No.</i>	<i>Allegations</i>	<i>Enquiry conducted</i>
<i>1.</i>	<i>Petitioner Dilip Gupta has taken a</i>	<i>There is dispute over money given as</i>



	<i>friendly loan of Rs. 50,000 from Jai Prakash Pandey@ 3% per month in the month of Feb 2023. He has repaid five installments @ 8,500 per month.</i>	<i>loan and recovery of money between petitioner and Jai Parkash Pandey.</i>
2	<i>There is dispute over return of money. On 28.8.23 Jai Parkash Pandey alongwith his associates and family members came at the house of petitioner for demand of money and started beating and abusing wife and children of the petitioner. HC Jitender Yadav (Respondent No. 4) has directed petitioner and his family members to reach police station Sangam Vihar as Jai Parkash and his family members made the PCR call.</i>	<i>A PCR call vide DD No. 137A (F /G) was received at PS Sangam Vihar and was marked to SI Talib Khan for further necessary action. However SI Talib Khan has not made any DD entry regarding arrival from the call. As per statement of SHO/SV and SI Talib Khan both the parties did not give any written statement neither any information of MLC was received, therefore, call was kept pending. The call was made by Jai Parkash Pandey.</i>
3	<i>In PS Sangam Vihar, SI Talib Khan (Respondent No. 3) put the petitioner inside the lock up and released on next day at 12 Noon.</i>	<i>As per statement of SHO/SV, SI Talib Khan, complainant Jai Parkash Pandey, no one was kept inside the lock up of Police Station. Both the parties were kept separately so as to avoid any serious offence. There is no official lock up in the PS Sangam Vihar. However a temporary structure is made to keep the arrested persons for safe custody. One private CCTV camera having recording of only 8 days is installed to keep watch over the arrested persons.</i>
4	<i>HC Jitender Yadav and other police official started visiting the house of petitioner and used to take petitioner and his wife to PS Sangam Vihar every day or after interval of 1-2 days and were forcefully made to sit in PS for 2 to 4 hours which can be seen in CCTV. The police officials are not allowing the petitioner and his wife to earn the livelihood.</i>	<i>During enquiry, petitioner Dilip Gupta was asked to provide the date and time when he visited PS Sangam Vihar to join the investigation. He stated that police was pasting the notices outside his house several times, however, due to fear of arrest, he never joined the investigation. He further stated that he even did not give acknowledgement of receiving of notice u/s 41A CrPC as he was in fear that police will arrest him. Therefore, petitioner himself accepted that he never visited PS Sangam Vihar as alleged in the petition.</i>
5	<i>On 14.9.23 Police registered FIR</i>	<i>FIR was registered against petitioner</i>



	<i>No. 682/23 PS Sangam Vihar on the complaint of Jai Prakash against the petitioner and his wife and four more persons.</i>	<i>Dalip Gupta and his associates. (F / H)</i>
6	<i>On 24.9.23 HC Jitender and other police officials came to the house of the petitioner and got written his statement on a plain paper and asked the petitioner and his wife to be ready to go to jail as Jai Prakash Pandey is close to Insp. Saroj Tiwari, SHO, Sangam Vihar.</i>	<i>Petitioner Dalip Gupta failed to provide any evidence in support of his allegations. Contrary to this, he himself admitted that he never joined investigation of this case, as he has fear that he will be arrested in this case.</i>
7	<i>Petitioner filed Anticipatory bail application in Saket Court and HC Jitender Yadava filed the reply. As the offence was bailable, hence the petitioner withdrew the application.</i>	<i>Petitioner has filed anticipatory bail application and HC Jitender Yadav/IO has clearly stated in his reply (F/I) that Dalip Gupta has never joined investigation of this case. Later petitioner withdrew the application as the offence is bailable.</i>
8	<i>26.9.23, Petitioner sent a representation to Dy. Commissioner of Police, Vigilance, Delhi through Speed Post for taking disciplinary action against respondent No. 2 to 4 for not registering any FIR on the complaint of the petitioner.</i>	<i>Petitioner never filed any complaint either with SHO/SV or Sr. Officers of South Distt. However, he has filed a complaint to DCP /Vigilance, Barakhaba Road, for taking disciplinary action. In this regard, Section 154 (3) CrPC states that "any person aggrieved by the refusal on the part of an Officer In Charge of Police Station to record the information, may send the substance of such information writing and by post to the SP concerned." However, in the present case, petitioner Dalip Gupta neither made any complaint to SHO/SV or DCP/ South. Therefore, no case was registered on his complaint.</i>
9	<i>On 1.10.23 Respondent No. 4 pasted notice u/s 41A CrPC outside the house of the petitioner directing him and his wife to appear before him on 2.10.23 at PS Sangam Vihar. Since the petitioner and his wife joined the investigation on number of times, aforesaid notice is nothing but an act to further harass the petitioner in the</i>	<i>Three notices for joining investigation on 2.10.23, 4.10.23 and 10.10.23 u/s 41A CrPC were served to petitioner Dalip Gupta and his wife to join the investigation (F /J). However, he never joined the investigation till date. IO HC Jitender Yadav has lodged DD No. 88A dated 1.10.23, 71A dated 3.10.23, and 90A dated 7.10.23 PS Sangam Vihar in</i>



	<i>aforesaid case.</i>	<i>this regard (F / K). Further vide order No. 8493- 96 /SO/ DCP/SD/AC-III dated 09.10.23 investigation of FIR No. 682 / 23 PS Sangam Vihar has been transferred to DIU /SD (F /L).</i>
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5. The aforesaid tabulated facts demonstrate that the Respondent authorities have conducted a thorough and detailed inquiry into the allegations raised by the Petitioner. Each grievance has been carefully examined and addressed, revealing that there has been no negligence or omission on the part of the State authorities regarding the registration of the FIR based on the Petitioner's purported complaint. The enquiry reveals that no PCR call or formal complaint was received by the SHO, P.S. Sangam Vihar, that would warrant the lodging of an FIR. Although the Petitioner submitted a representation to the DCP/Vigilance, Barakhamba Road, seeking disciplinary action, no corresponding complaint was made at the relevant police station, and consequently, no case was registered on the basis of his complaint. Additionally, the Petitioner failed to cooperate with the investigation and did not furnish the necessary statements or evidence to substantiate his claims.

6. In light of the above, the Court finds no merit in the present petition. Therefore, no interference is warranted in the exercise of this Court's writ jurisdiction.

7. Dismissed, along with pending application.

SANJEEV NARULA, J

SEPTEMBER 10, 2025

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