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

+ **W.P.(CRL) 3620/2023**

UMAIR SIDDIQUI

.....Petitioner

Through: Mr. M. Sufian Siddiqui, Mr. Rakesh Bhugra, Mr. M. Niyazuddin, Ms. Alya Veronica, Advs.

versus

THE COMMISSIONER OF POLICE

.....Respondent

Through: Mr. Amol Sinha, ASC for State with SI Harish Kumar, PS Chandni Mahal.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.10.2025

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1. The Petitioner has invoked the extraordinary jurisdiction of this Court 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), alleging *inter alia* that his right to reputation has been gravely infringed on account of the acts of certain police officials. In this regard, he makes the following averments:

“2. That Albert Schweitzer, highlighting on Glory of Life, pronounced with conviction and humility, the reverence of life offers me my fundamental principle on morality. The aforesaid expression may appear to be an individualistic expression of a great personality, but, when it is understood in the complete sense, it really denotes, in its

¹ “BNSS”

² “CrPC”



conceptual essentiality, and connotes, in its macrocosm, the fundamental perception of a thinker about the respect that life commands. The reverence of life is inseparably associated with the dignity of a human being who is basically divine, not servile. A human personality is endowed with potential infinity and it blossoms when dignity is sustained. The sustenance of such dignity has to be the superlative concern of every sensitive soul. The essence of dignity can never be treated as a momentary spark of light or, for that matter, a brief candle, or a hollow bubble. The spark of life gets more resplendent when man is treated with dignity sans humiliation, for every man is expected to lead an honourable life which is a splendid gift of creative intelligence. When a dent is created in the reputation, humanism is paralyzed. There are some police officials who conceive the perverse notion that they are the 'Law' forgetting that law is the science of what is good and just and, in very nature of things, protective of a civilized society. Reverence for the nobility of a human being has to be the corner stone of a body polity that believes in orderly progress. But, some, the incurable ones, become totally oblivious of the fact that living with dignity has been enshrined in our Constitutional philosophy and it has its ubiquitous presence, and the majesty and sacrosanctity dignity cannot be allowed to be crucified in the name of some kind of police action.

3. That the aforesaid prologue assumes great significance inasmuch in the present case, the petitioner with his unflinching faith in our judicial system is impelled to solicit the kind indulgence of this Hon'ble Court whilst invoking the Extraordinary Jurisdiction conferred under Article 226 of the Constitution inter-alia seeking issuance of a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to forthwith conduct an in-depth inquiry/investigation in a fair, impartial and time-bound manner under the direct supervision of DCP-Vigilance or a Police Official of a Higher Rank, into the petitioner's Complaints dated: 15.11.2023, 17.11.2023, and 28.11.2023, apropos the reprehensible incident dated: 15.11.2023 involving high handed, illegal and contemptuous acts perpetrated by a cohort of indeterminate police officials of Central-District particularly of Special Staff, Kamla Market inter-alia criminal trespass, illegal arrest in a humiliating manner in the presence of all and sundry including neighbours without any Warrant/and or Statutory Notice or providing any legal explanation or documentation, illegal detention at Special Staff Office, Kamla Market, subjecting him to inhuman and degrading treatment, snatching his mobile phone and conducting an unauthorized scrutiny of his private communications, causing unwarranted harassment, grave & inconceivable mental agony to him



*and his family members thereby trampling upon the sacrosanct Fundamental Rights of the petitioner and the vulnerable members of his family viz. Purdahnashin women, small children, and a bedridden, ailing patriarch, i.e. his father, as Guaranteed under Article 21 of the Constitution viz. **'Right to Privacy', 'Right to Reputation' and 'Right to Live with Dignity'**, which are inviolable facets of **'Right to Life'** as well as International Human Rights as Guaranteed under Articles 3, 5, 7, 9 & 12 of the United Nations 'Universal Declaration of Human Rights' (UDHR). Besides, the inscrutable conduct of the delinquent police officers is also ex-facie in brazen defiance of the mandatory statutory provisions as adumbrated in Section 41(A) read with section 160 & 60(A) Cr.P.C, and the guidelines laid down by the Hon'ble Supreme Court in the landmark cases of **'D.K. Basu vs The State of West Bengal'**⁸ and **'Arnesh Kumar vs The State of Bihar'**.*

2. The Petitioner, states that he made a complaint to the Commissioner of Police (the Respondent) seeking initiation of the departmental action against the delinquent subordinate police officers as contemplated in the Delhi Police Act, 1978. Despite such complaint and follow-ups, no action has been taken and accordingly, following reliefs have been sought:

*"a. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to forthwith conduct an in-depth inquiry/investigation in a fair, impartial and time-bound manner under the direct supervision of DCP Vigilance or a Police Official of a Higher Rank, into the petitioner's Complaints dated: 15.11.2023, 17.11.2023 & 28.11.2023, apropos the reprehensible incident dated: 15.11.2023 involving high handed, illegal and contemptuous acts perpetrated by a cohort of indeterminate police officials of Central-District particularly of Special Staff, Kamla Market inter-alia criminal trespass, illegal arrest in a humiliating manner in the presence of all and sundry including his neighbours sans any Warrant/and or Statutory Notice or any legal explanation or justification, illegal detention, subjecting him to inhuman and degrading treatment, snatching his mobile phone and conducting an unauthorized scrutiny of his private communications, thereby trampling upon the sacrosanct Fundamental Rights of the petitioner and the vulnerable members of his family viz. Purdahnashin women, small children, and a bedridden, ailing patriarch, i.e. his father, as Guaranteed under Article 21 of the Constitution viz. **'Right to Privacy', 'Right to Reputation' and 'Right to Live with Dignity'**, which are inviolable facets of **'Right to Life'**; And*



b. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to take apposite stringent legal action against the concerned delinquent police officials of Central-District particularly of Special Staff, Kamla Market for their ex-facie concerted, premeditated, illegal, contemptuous and iniquitous acts of transgression thereby infringing, instead of protecting the sacrosanct Fundamental Rights of the Petitioner and his family members as Guaranteed under Article 21 of the Constitution; And

*c. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to adequately compensate the petitioner for the ex-facie egregious acts of his subordinate police officers culpable of violating, instead of safeguarding, the sacrosanct Fundamental Rights of the petitioner and his family members, as Guaranteed under Article 21 of the Constitution, in terms of the Hon'ble Supreme Court's judgment passed in the case of '**Nilabati Behera v. State of Orissa & Others**' reported as [(1993) 2 SCC 746]; And*

*d. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to forthwith secure and place on record the CCTV footage of all the Cameras installed inside and around office of Special Staff, Kamla Market, Central-District from 11:00AM to 05:00 PM dated: 15.11.2023, on an exigent basis, in terms of the Hon'ble Supreme Court's judgment dated: 02.12.2020 passed in the case of "**Paramvir Singh Saini vs Baljit Singh & Others**" Special Leave Petition (Criminal) No.3543/2020. And*

e. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent herein to forthwith secure and place on record the CCTV footage of all the Cameras installed by the GNCTD and/or private residents near the petitioner's residence, from 01:00PM to 02:00PM dated: 15.11.2023, on an exigent basis, which is ephemeral in nature, and if not secured immediately, may lead to the destruction of vital evidence in petitioner's quest for justice."

3. The State, as directed *vide* order dated 8th December, 2023, has filed a status report, which reveals as follows:

"1. That petitioner has alleged that he is aggrieved due to the action of



staff posted at Operation Unit/Special staff of Central district, Delhi. His wife Smt. Nazia had lodged an e -Mail complaint Dt 15-11-2023, addressing the Commissioner of police, Delhi alleging that on 15-11-2023, at around 01:30 PM, 10-12 police officers of Special staff, Central district, in civil clothes made illegal and forcible trespass in her house without any warrant of arrest. Since, no justification of detention/arrest was provided by police officers, hence the complaint was lodged to Commissioner of Delhi Police. As no action was taken, hence the present Writ petition.

2. That petitioner is sympathizer of a dreaded criminal Mohd. Rehan @Gaonwala, a BC of PS Chandni Mahal, previously involved in several cases including rape, murder, extortion etc. Rehan's two brothers are also active BC of PS Chandni Mahal area and have long criminal antecedents.

3. 3. That on 05-06/11/2023, this Mohd. Rehan alongwith his brother as well as other local criminals made a murderous attempt on a local resident of Chandni Mahal which culminated in registration of Case FIR No. 429/2023 Dt.06-11-2023 PS Chandni 11-2023, U/s 307/385/506/120B/34 IPC Mahal, Delhi. This Mohd. Rehan made another attempt to murder the victim of the above case with a surgical blade, when he was getting treatment at Lok Nayak Hospital, New Delhi.

4. During the course of investigation of the above cited case, CCTV footage of hospital was procured in which accused Mohd. Rehan was seen escaping from hospital after attacking one of the victims namely Mohd. Anas. In that video footage, petitioner was also seen along with hoodlooms of Mohd. Rehan.

5. As the main accused was absconding and the incident was gruesome in nature and assistance was sought from Special Staff, Central district, in order to know whereabouts of main accused, the police team in civil clothes reached the house of petitioner at 01:30 PM, and brought the petitioner to office. After interrogation he was released at around 03:30 PM on same day. In this regard, GD was lodged vide GD No. 6 and 9 respectively (copies enclosed). It was petitioner who did not cooperate with the lawful direction of police officer and had shown reluctance in searching the main accused, even opposed to join investigation.

6. That petitioner was shortly detained during investigation of above cited case on valid grounds for interrogation. The act committed by policeman was of bonafide nature. Members of special unit work in



civil clothes due to nature of their work.

7. That petitioner was well aware about the reason of his temporary detention and he was duly apprised too.

8. That in compliance of order passed by this Hon'ble court on last date of hearing, efforts were made to retrieve CCTV footage near the surrounding of petitioner's house and CCTV cameras of three local residents were checked but the footage had been auto deleted, on account of short memory period. However, CCTV footage of three PWD cameras had been obtained, analysed which may not be handed over to the petitioner as it may reveal the identity of secret informers.

9. That related to the same matter, two other Writ Petitions have also been filed before this Hon'ble court. One being WP(Crl.) 3502/2023 by sister of accused Mohd. Rehan alleging disrespect to her Veil which has been disposed off now) and another WP(Crl.) No.3658/2023(NDOH-25-07- 2024).

10. That allegations of dragging, rowdy behaviour by policeman are motivated and the present Writ has been filed just to pressurize the police."

4. On a perusal of the contents of the Status Report filed by the State, it emerges that the allegations levelled by the Petitioner are controverted. The Status Report discloses that the Petitioner was briefly taken to the office of the Special Staff, Central District in connection with the investigation of FIR No. 429/2023, a case of grave and heinous nature involving repeated assaults by one Mohd. Rehan @Gaonwala and his associates. The CCTV footage obtained by the investigating agency *prima facie* reveals the presence of the Petitioner in company of the said accused at the relevant point of time. The brief detention and interrogation of the Petitioner was thus explained to be in aid of the ongoing investigation. The same, according to the State, was duly recorded in the General Diary, and the Petitioner was released the very same day.

5. In this background, the claims of illegal arrest, humiliation, and



mistreatment made by the Petitioner do not appear to be supported by the record. The inquiry carried out pursuant to this Court's directions shows that CCTV footage from private residences could not be retrieved as it was auto-deleted due to limited storage, while footage from public cameras was preserved but cannot be shared with the Petitioner as it may expose confidential informants. Taken together, the material before this Court does not substantiate the allegation that the Petitioner's fundamental rights under Article 21 were violated in the manner alleged.

6. In view of the aforesaid, this Court finds no ground to invoke its extraordinary jurisdiction and the instant petition, being devoid of merit, is accordingly dismissed.

7. It is, however, clarified that the dismissal of this petition shall not preclude the Petitioner from pursuing any other remedy that may be available to him in law.

SANJEEV NARULA, J

OCTOBER 15, 2025/ck