$~17 (05.02.2025)

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

\+ W.P.(CRL) 2770/2024

SHRI AFTAB KHAN .....Petitioner

Through: Mr. Arun Kumar Verma, Advocate (Through VC)

versus

THE STATE NCT OF DELHI AND ORS .....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State with Insp. Yad Ram Yadav, PS: Jamia Nagar

Mr. Ravinder Agarwal and Mr. Manish Kumar Singh, Advocates for R-2

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 06.02.2025

1. This matter has been listed for hearing today on account of 05.02.2025 being declared as a holiday of the Court, pursuant to Office Order dated 31.01.2025 bearing No. 04/I/G-4/Gen.I/DHC.

2. At the outset, learned counsel for the Petitioner states that he seeks liberty to withdraw prayer 'b' and 'c' of the present writ petition.

The said prayers are accordingly dismissed as withdrawn.

3. Learned counsel states that Petitioner will confine his petition to prayer clause 'a', which reads as under: -

> "a) Issue writ of mandamus and/ or any appropriate writ, direction, order directing the respondent no. 1 to 3 for registration of case against the respondent no. 4 and 5 on the basis of the said complaint dated 29.08.2024 or any other independent agency, in view of the· facts and

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circumstances stated above and in the interest of justice"

4. Issue notice on prayer clause 'a' to the Respondents. Mr. Sanjeev Bhandari, ASC for State accepts notice. Mr. Ravinder Agarwal, Advocate accepts notice on behalf of Respondent No. 2.

5. Mr. Ravinder Agarwal, learned counsel for Respondent No. 2 states that Central Vigilance Commission, which has been impleaded as Respondent No. 2 has no superintendence powers over Delhi Police and therefore, the complaint dated 29.08.2024 though addressed to Respondent No. 2 cannot be entertained. He states that the Competent Authority qua Delhi Police would be the Ministry of Home Affairs, Government of India.

6. In view of the aforesaid submission advanced by the learned standing counsel for Respondent No. 2, the Respondent No. 2 is deleted from the array of parties.

7. The Petitioner is directed to file a fresh amended memo of parties within one (1) week.

8. In this writ petition, the Petitioner has pleaded that he had addressed a representation dated 29.08.2024 to the concerned DCP, South East, Sarita Vihar, New Delhi with respect to the acts and omissions of Respondent Nos. 4 and 5. It is stated that the Petitioner has not received any response from the concerned DCP qua the aforesaid complaint.

9. This petition is disposed of with a direction to the DCP, South East, Sarita Vihar, New Delhi to consider and decide the said representation dated 29.08.2024 within a period of two (2) weeks in accordance with law; and communicate his/her decision to the Petitioner within one (1) week thereafter.

10. It is made clear that the issuance of this directions is not an expression

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of opinion on the merits of the said complaint.

11. The petition stands disposed of.

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

FEBRUARY 6, 2025/*rhc*

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