



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

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Reserved on: 01st December, 2025

Pronounced on: 08th December, 2025

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W.P.(CRL) 3785/2024

1. **JAMIL AHMED**

S/O SH.KHALIL AHMED

R/O PLOT NO 1, GALI NO.3, EAST KAMAL
VIHAR, SHIV VIHAR, Delhi.

2. **MOHD. UMAR**

THROUGH ITS REPRESENTATIVE/FATHER
SHRI JAMIL AHMED,

AGED ABOUT 15 YEARS,

R/O PLOT NO. 1 & 1A KHASRA NO. 5/26,

GALI NO. 3, EAST KAMAL VIHAR,

KARAWAL NAGAR, NORTH EAST, Delhi.

.....Petitioners

Through: Mr. Mehmood Pracha, Mr. Sanawar,
Mr. Kshitij Singh and Mr. Kumail
Abbas, Advs.

versus

1. **STATE GOVT. OF NCT OF DELHI**

THROUGH STATION HOUSE OFFICER

P.S. KARAWAL NAGAR, NEW DELHI

2. **COMMISSIONER OF POLICE, DELHI POLICE**

DELHI POLICE HEADQUARTERS JAI SINGH

ROAD, NEW DELHI

3. **SPECIAL COMMISSIONER OF POLICE,**

CRIME BRANCH, DELHI POLICE,

DELHI POLICE HEADQUARTERS JAI SINGH

ROAD, NEW DELHI

4. **HAWALDAR ANUJ**

P.S. KARANWAL NAGAR, DELHI POLICE

NEW DELHI

5. **CONSTABLE ANKIT TOMAR**



P.S. KARANWAL NAGAR, DELHI POLICE
NEW DELHI

6. **ANUJ GOSWAMI**
P.S. KARANWAL NAGAR, DELHI POLICE
NEW DELHI
7. **GOVERNMENT OF N.C.T. OF DELHI**
THROUGH ITS CHIEF SECRETARY,
DELHI SECRETARIAT, I. P. ESTATE,
NEW DELHI.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with
Mr. Alok Sharma and Ms Pragya
Sharma, Advocates with SI Neha
Bana, PS: Karawal Nagar.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 of Constitution of India read with Section 528 of B.N.S.S. has been filed on behalf of the Petitioners for issuing directions to register an FIR; for obtaining CCTV footage; for conducting disciplinary enquiry and appropriate criminal proceedings against Respondent Nos. 4 to 6; for protection of the Petitioners and his family members and also for Compensation.

2. *Briefly stated*, on 16.09.2024 at about 05:30 PM, Petitioner No.1/Jamil Ahmed's son (Petitioner No.2/Mohd. Umar), who is 15 years old and student of Class VIII in Government School, was en route to purchase medicines for his father/Petitioner No.1, when Havaladar Anuj / Respondent No.4 intercepted and assaulted him. He confiscated his phone and inquired about his activities and where he is going. Upon disclosing that he is a



student, Respondent No. 4 tried contacting the Petitioner at 05:56 PM, but was unable to do so.

3. Thereafter, Respondent No.4/Hawaladar Anuj called Respondent No.5/Constable Ankit Tomer, and they took Petitioner No.1's son to the first floor of the Police Station Police Station Karawal Nagar where he was beaten with a pipe by Respondent No.4/Anuj struck him and thereafter instructed the friend of the Victim to go down stairs. When Petitioner No.1's son identified himself as Mohd. Umar, Respondent No.4/Anuj made derogatory remarks based on his religion.

4. Respondent No. 5/Ankit Tomer directed Respondent No.4/Anuj to hang the Victim upside down and thereafter, they both brutally assaulted him using plastic pipes and wooden sticks. Later, Respondent No.6/Ankit Goswami also joined them in beating.

5. Afterwards, Respondent No.4/Anuj returned phone of Petitioner No.1's son and asked him to call someone he knew. He called his neighbor Farman and asked him to come to the Police Station. Farman came to the Police Station and called Petitioner No.1's son and asked him to come down. Respondent No.4/Anuj brought him down from the room upstairs while continuously hitting his waist with his elbow and demanded Rs.5,000/- from Farman, for releasing Petitioner No.1's son. Farman gave him Rs.200/- and requested him to accept Rs. 200/- as the Victim was a poor person. Respondent No. 4 broke the mobile phone of Petitioner No.1's son by hitting it at the nearby parked bike and returned Rs.200/- and told him to repair his phone with that money.



6. Farman brought the Victim home who was unable to walk, and because of pain, he fell unconscious. After some time, he regained consciousness. Petitioner No.1/Jamil Ahmed called the Police at around 09:00 PM. PCR arrived and took Petitioner No.1's son to Jag Pravesh Chand Hospital, Shastri Park, where MLC was prepared. He was also examined by Orthopedic Department.
7. Petitioner No.1's son made Complaint to the Police for registration of FIR, but no action was taken. He then filed a Complaint before DCP, Seelampur, Delhi, but to no avail.
8. Petitioner No.1/Jamil Ahmed claimed that Police officials have brutally beaten his son and have failed to perform their duties under the law to register FIR. CCTV footage of Police Station Karawal Nagar is also necessary for investigation of the present case to establish the fact that Petitioner No.1's son was at the Police Station. Despite passage of significant time since the incident, Respondents have failed to register an FIR.
9. Petitioner has placed reliance on Zulfikar Nasir vs. State of UP, (2018) SCC OnLine Del 12153, wherein this Court noted that delays in the criminal justice system are likely to frustrate efforts by the victim to secure justice, and the same is likely to occur in the present case. Learned counsel for NHRC also pointed that there is a growing legal recognition that "custody" extends beyond the mere spatial construct of prisons in lockup. Petitioner No.1's son was wrongly assaulted and confined, as is seen in the video. Reference is also made to Niranjan Singh vs. Prabhakar Rajaram Kharote, AIR 1980 SC 785 wherein similar observations have been made.



10. Reliance is also placed on State of West Bengal vs. Committee for Protection of Democratic Rights, (2010) 2 SCC 571 and Mithlesh Kumar Singh vs. State of Rajasthan, (2015) 9 SCC 795, wherein Hon'ble Supreme Court held that an “*incomplete, indifferent or ineffective investigation leads to failure of justice.*” Similar observations have been made in Karan Singh vs. State of Haryana, (2013) 12 SCC 529.

11. It has been claimed that acts of Police officials of PS Karanwal Nagar are in violation of the Right to Life and Right to Human Dignity of Petitioner No.2/Mohd. Umar guaranteed under Articles 14, 15 and 21 of the Constitution of India.

12. A Prayer is therefore, made for constituting Special Investigation Team; to obtain CCTV footage from the relevant spots, including Karawal Nagar Police Station; to direct registration of FIR; to direct action against Respondent Nos.4, 5 and 6; and gave directions to the Respondents to protect Petitioners and their family members.

13. **Status Report** has been filed on behalf of the State, wherein it is explained that on 16.09.2024, a PCR call *vide* DD No.94A was received at P.S. Karawal Nagar, in regard to the alleged assault, which was assigned to HC Mukesh Chand for necessary action. Upon reaching the spot, he found that the Complainant and his son had gone to JPC Hospital. At the hospital, the Caller was not present, but the MLC Report No.1423, of M.U. (minor) S/o Jamil Ahmed indicated that the injuries were ‘*simple*’ in nature. The Caller was later contacted and he stated that he would submit a written Complaint at the Police Station.



14. On 17.09.2024, Complainant/Jamil Ahmed submitted a written Complaint, which was forwarded to PG Cell / NED for impartial enquiry. Further, HC Anuj, HC Amit Kumar Goswami and Ct. Ankit were transferred to District Line, North-East District by DCP / NE, *vide* Order dated 19.09.2024.

15. An enquiry was conducted by the EO/ASI Satyaprakash regarding the incident. During enquiry, he recorded the statement of Complainant/Jamil, wherein he stated that no CCTV cameras were installed at the location of the alleged incident or in the room of PS: Karawal Nagar, where his son was allegedly assaulted. He also stated that he did not possess any audio or video evidence of the incident. However, he had made a PCR call and had taken his son for medical examination at JPC Hospital.

16. He further stated that HC Anuj had stopped his son's bike and beaten him. His son was then taken to the Police Station by another person, HC Rahul on a bike, who left him outside the Police Station. It was alleged that HC Anuj drove his son's bike to the Police Station and took him inside a room in Police Station and tied his hands and legs; and physically assaulted him. He further stated that he did not visit the Police Station to secure his son's release and Police released him on their own.

17. During enquiry, the EO had also recorded the statements of Police personnel, including ASI Junaid, HC Anuj, HC Amit Kumar, Ct. Ankit, HC Rahul Kumar and Ct. Rahul. The enquiry revealed that on 16.09.2024, HC Anuj Kumar was patrolling in the area, when he stopped M.U. (minor), who was riding a motorcycle without helmet, near the Toll Tax, Karawal Nagar. The pillion rider allegedly fled away from the spot. HC Anuj Kumar asked



him to provide a Driving License and vehicle documents. M.U. failed to do so. Subsequently, Jamil made a phone call to ASI Junaid, who was posted at PS Karawal Nagar. ASI Junaid informed HC Anuj that the detained individual was the son of his known Jamil and asked him to release him. Thereafter, HC Anuj released the minor and his motorcycle at the spot, on ASI Junaid's request. HC Anuj denied bringing the Complainant's son to the Police Station or assaulting him, asserting that he was alone during the incident.

18. During enquiry, CCTV footage of 16.09.2024, of the camera installed at the main entrance of PS: Karawal Nagar, from 06:30 PM to 07:30 PM was analyzed by the EO, where no Policeman was seen in the footage bringing the Complainant's son at Police Station. During the enquiry, no witnesses or evidence supported the allegation that Policemen had assaulted the Complainant's son inside the Police Station. As per Enquiry Report of the EO, the allegations leveled in the Complaint by the Complainant, were not substantiated.

19. It is further submitted that FIR No.0386/2024, dated 28/11/2024, under Section 287 BNS has been registered against two persons namely Jamil Ahmad and Kayuum, who were illegally selling Petrol in plastic bottles at the counter of their shops. The recovered petrol bottles were seized as per law and sent to FSL for opinion. The case is pending investigation.

20. *Petitioner in response to Status Report* has claimed that half-baked Status Report has been filed in response to the Petition, without undertaking any serious investigation into the allegations leveled by the Petitioner. Alleged FIR No.0386/2024 dated 28.11.2024 under Section 287 BNS has



been registered against the Petitioner for selling petrol illegally, for the sole purpose of harassing and threatening the Petitioner and is manifestly attended by *mala fides*, having been maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge. FIR has been registered on 28.11.2024, just one day after the copy of the present Petition was served on the Police, i.e. on 27.11.2024.

21. Immediately after service of the Petition, certain police officials visited the Petitioner's home and threatened him, and had pressurized him to withdraw the present Petition and his Complaint. It is further submitted that during the enquiry, no statement of the Petitioner has been recorded. Police have not even claimed to have looked for CCTV footage of the place of incident or in the vicinity of the Police Station, and the spot from where the victim was picked up by the erring Police Official HC Anuj Kumar. S.H.O. of P.S. Karawal Nagar had himself, during a meeting with the Petitioner, mentioned about CCTV footage of the Police official showing breaking the phone of the victim. However, for reasons best known to the Police, they have deliberately concealed the same in the Report. Petitioner has prayed for preservation of the relevant CCTV footage of PS Karawal Nagar.

22. It is further submitted that alleged incident took place around 05:30 PM and the call to the Petitioner by Police was made at 05:56 PM. It is manifest that the Police have deliberately not undertaken the exercise to examine the relevant CCTV footage.

23. Most pertinently, the Police do not even claim to have recorded the statement of Farman, the only eye-witness, who had first seen the Victim



being beaten in the Police Station, and from whom the Police had extorted Rs.200/-.

24. The Status Report does not state that no cognizable offense is made out. Instead, it is claimed that the allegations leveled in the Complaint, were found to be not sustainable. The Police do not even claim to have looked into the records of the Police Station, i.e. the Daily Diary register, the General Diary entries for the day of the incident, the F.I.R. register, etc., to determine the movement of the Police officials involved, the entry and exit of the victim, the eye witness, etc., into and out of the Police Station. It is evident that the Police have conducted a sham enquiry with the sole purpose of exonerating the Police officials involved.

25. *Thus, it is prayed that the Petition be allowed.*

Submissions heard and record perused.

26. It emerges from the rival pleadings that on 16.09.2024 at about 06:00 PM, Petitioner No.2/M.U., minor son of the Petitioner No.1/Jamil Ahmed's, was going on his motorcycle without Helmet, when he was stopped by HC Anuj. He was asked to provide Driving License and vehicle documents, which he was unable to do. This aspect is corroborated by the Complainant's assertion that the Police official had made a call to the Petitioner at about 05:56 PM, which was recorded, *vide* DD. No. 94A, but it could not get connected. If so was not the reason for confronting the son of the Complainant, what was the occasion for the Police to call the Complainant at that time.

27. Though much issue is raised about the time of incident being 05:30 PM or 06:00 PM, when he was allegedly taken to the Police Station, but



from the submissions of the Complainant as well the incident has taken between 05:30 PM to 06:00 PM.

28. It is the Petitioner No.1/Jamil Ahmed's claim that after this incident, his son/Petitioner No.2/M.U. was taken to the Police Station where his son was *brutally assaulted* in the Police Station by Respondent Nos.4 and 5, who were later joined by Respondent No.6. To corroborate these assertions, he has relied upon the MLC, *but the MLC does not show any external injury, except complaint of pain.*

29. ***Petitioner No.1's next contention*** is that CCTV footage of the Police Station from 06:30 to 07:30 PM has been examined, while in fact his son was taken to the Police Station at around 06:00 PM and was released at about 08:00 PM, but the CCTV footage is from 06:30 PM till 07:30 PM thereby not covering the requisite time of 06:00 PM when he was taken and 08:00 PM, when he was released from the police Station.

30. However, it has been stated by the Respondent that the Complainant himself had sought the CCTV footage between 06:30 PM till 07:30 PM, which was preserved and it does not show the Petitioner's son either entering or leaving the Police Station.

31. From the entire narrative, as has been given by the Petitioner No.1/Jamil Ahmed, his grievance is that his Complaints made to the Police disclose the commission of a cognizable offence, despite which no FIR has been registered. Reliance has also been placed on MLC and CCTV footage, which again is a matter of evidence and cannot be considered in the Writ Petition.



32. There are various facts which have been alleged by the Petitioners, and which have been refuted by the Police. The facts being disputed, the most appropriate remedy for the Petitioner was to file a Complaint under Section 156(3) Cr.P.C. before the learned JMFC, for getting the FIR registered. The Writ Jurisdiction cannot be invoked for directing the Police to register the FIR, as has been held in the case of M. Subramaniam and Another vs. S. Janaki and Another, (2020) 16 SCC 728.

33. Petitioner has also claimed that *disciplinary action* be taken against the Police officials. It has been mentioned in the Status Report that the concerned three Police officers have already been transferred on 19.09.2024, soon after receiving the Complaint against them. In any case, in the detailed inquiry, the Police had not found any merit in the Complaint made by the Petitioner No.1. This again is a disputed fact and can be best appreciated by the learned Trial Court.

34. Similarly, the compensation cannot be awarded by this Court in the light of the presented facts, which again can be done by the Petitioner at the appropriate stage before the appropriate forum.

35. ***There is no merit in the present Writ Petition, which is hereby dismissed*** along with pending Applications with liberty to approach the learned Trial Court for appropriate redressal, in accordance with law.

36. Pending Applications are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 08, 2025/R