

Suresh Kumar Yadav vs State Nct Of Delhi & Ors on 11 August, 2021

Author: Mukta Gupta

Bench: Mukta Gupta

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(CRL) 1089/2021 & CRL.M.A. 10146/2021
SURESH KUMAR YADAV

Represented by: Mr Sharad Malhotra

versus

STATE NCT OF DELHI & ORS.

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Represented by: Ms Kamna Vohra, ASC for th
with Insp. Devender, PS GT
Enclave.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 11.08.2021 The hearing has been conducted through video conferencing.

1. By this petition, the petitioner had sought appropriate proceedings against respondent nos.3 to 6 and to ensure safety and security of the petitioner. According to the petitioner, he gave a complaint dated 16th March, 2021 to the DCP as well as ACP alleging that the respondent nos.3 to 6 were demanding money from him in exchange of allowing him to work peacefully in the area. It is also claimed that respondent nos.3 to 6 along with the JE were threatening the petitioner that he should withdraw his complaint or else he would be not allowed to do work in the area. Consequently, he withdrew the complaint dated 16th March, 2021 on 27th March, 2021. However, thereafter, also he is receiving continuous threats.

2. When this petition came up before this Court on 4th June, 2021, this Court while issuing notices directed the Status Report to be filed under the signatures of DCP, Shahdara in response to petition. Pursuant to the directions of this Court, Status Report was filed by the DCP stating that the case of the petitioner was that on 14th April, 2021 and 15th April, 2021 calls were received by the petitioner from mobile nos.7065036031 & 9868559804 respectively and the callers threatened him to face consequences for filing the complaints and that he had recorded the conversation on his mobile phone. It is alleged that respondent nos.4 and 5 came to the residence of the petitioner on 22nd May, 2021 at 10:00 AM and started abusing him and picked him up from his residence, made him sit on their official motorbike and took him to the nearest beat. An enquiry was conducted earlier by the ACP, PG Cell, which was filed, however, pursuant to the orders of this Court, a fresh enquiry was initiated, however, despite several telephonic calls neither the petitioner picked up the phone calls

nor he joined the enquiry regarding his complaints. The address given in the petition was also found to be incorrect and the petitioner had left the said address five year ago. On 2nd May, 2021, a criminal case FIR No.147/2021 under Sections 283/188/34 IPC was registered against the petitioner and one Shyam Singh at PS GTB Enclave.

3. During the pendency of the present petition, the petitioner filed CRL.M.A.10146/2021 alleging that on 2nd July, 2021 at about 12:15 PM when he was working at H.No.1762, Janta Flat, GTB Enclave, Delhi, Constable Chhote Lal came there and hurled abuses at the petitioner. When the petitioner tried to stop him he took away the mobile phone of the petitioner stating that he will get it back only after paying 20,000/-. The petitioner thus called 100 number.

4. Since, the petitioner was required to join the inquiry, repeated notices were given to the petitioner, however, the petitioner failed to join the investigation. Thus, vide order dated 2nd August, 2021, this Court gave last opportunity to the petitioner to join the enquiry on that date, on the assurance given by the learned counsel, to appear before Inspector Devender Singh, PS GTB Enclave. Learned Additional Standing Counsel for the State submits that despite orders of this Court, the petitioner did not turn up for joining the inquiry on 2nd August, 2021, however, on 5th August, 2021, the petitioner sent a WhatsApp message to Inspector Devender, PS GTB Enclave sending a photo of the Speed Post letter showing his willingness to join the enquiry on 5th August, 2021 at 6:00 PM. Again, on the said date, he did not join the inquiry. The petitioner, thereafter, joined the enquiry on 6th August, 2021 and it is stated that the petitioner has joined the enquiry today as well. It is evident that despite directions of this Court, the petitioner is not serious in pursuing his remedy and is avoiding to join the inquiry and has joined the inquiry only when the matter is listed before this Court.

5. Considering the conduct of the petitioner, this Court finds no ground to pass any further orders except that in case the allegations of the petitioner are substantiated in the ongoing inquiry, action thereon be taken in accordance with law. .

6. Petition is disposed of.

7. Order be uploaded on the website of this Court.

MUKTA GUPTA, J AUGUST 11, 2021 MK