

PUBLIC GRIEVANCES COMMISSION

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 30.7.1998

Date of hearing: 10th April, 2018

Complainant : Shri Chandgi Ram
Respondent : Special Commissioner of Police Delhi Police (Vigilance),PS
Barakhamba Road, New Delhi

Grievance No. : PGC/2017/DP/170
Grievance filed on : 12/6/2017
First hearing in the PGC : 29/8/2017
Scheduled on : 2017

1. Brief facts of the complaint

The complainant has filed a complaint against SI Vivek Malik for arresting him in a false FIR No. 204, dated 15.5.2017 inspite of the fact that at the time of incident he was not present at the site of quarrel but was shopping at Big Bazaar. He had shown the bill and had mentioned regarding the CCTV recording which could have established his presence at the Big Bazaar but the police did not pay heed to his request and he was arrested and sent to jail. He has requested for legal action in the matter.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 29th August, 2017, the second hearing held on 31st October, 2017, the third hearing held on 9th January, 2018, the fourth hearing held on 23rd February, 2018, the fifth hearing held on 27th March, 2018 and the sixth hearing held on 10th April, 2018, when the following were present:-

Complainant : Present
Respondent : Inspector Pankaj Sharma
ACP S.A. Rashid, SED

3 Relevant facts emerging during the hearing

An ATR has been filed by Addl. DCP/Vigilance through Inspector Pankaj Sharma , Vigilance stating the following :-

- i. During vigilane enquiry, it has come out that the complainant had some dispute over a plot with his cousin brother's family. On 14.5.2017 at about 2.40 p.m., a call was received in PS V.K. South which was recorded vide DD NO. 37-A, dated 14.5.2017. The call was made by the complainant's cousin brother's wife, Smt. Mukesh Devi, w/o late Shri Basant Ram. The call was marked to ASI Jaswant Singh, who recorded the statement of Smt. Mukesh Devi, of injury and molestation against the complainant and others. A case vide FIR NO. 204/2017 u/s 308/354/451/509/506/34 IPC PS Vasant Kunj was registered against the complainant and he was arrested by SI Vivek Malik No. D-4706.

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- ii. During investigation, from verification of CCTV footage of Vasant Square Mall and CDRs of the complainant, it has been found that the presence of the complainant is recorded in the CCTV camera of the Vasant Square Mall from 2.26 p.m. to 3.06 p.m. on 14.5.2017. On any given day, it will take not less than 15-20 minutes in reaching Vasant Square Mall from Village Ghittorni. There is no independent witness to corroborate the facts of the FIR or say anything counter of the same. I/O of the case had accepted that the complainant was present at Vasant Square Mall at the reported time of incident in the court during bail hearing of the complainant.
- iii. From above facts, it is clear that the arrest of the complainant was effected in haste without verification of the facts mentioned hereinabove. It was also necessary to verify these facts as the complainant was having dispute with the family of caller/injured lady. The case has now been put in court.
- iv. In view of above facts, the allegations leveled against ASI Jaswant Singh and SI Vivek Malik are substantiated. In this regard, DCP/South West District, Delhi has been directed to take disciplinary action against the alleged police officers.”

4. Directions of PGC

As per the ATR, the case has now been put in court. The allegations leveled against the police officers are substantiated and DCP/South West District has been directed to take disciplinary action against the alleged police officers.

Since the case is sub-judice, therefore, the Commission has decided to close the case in PGC.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to:

1. The Special Commissioner of Police (Vigilance), Delhi Police, PS Barakhamba Road, New Delhi.
2. The Addl. Commissioner of Police (Vigilance), Delhi Police, Police Station Barakhamba Road, New Delhi-110001.
3. The Deputy Commissioner of Police (District South), Police Station Hauz Khas, New Delhi.
4. SHO/PS Vasant Kunj (South), Police Station Vasant Kunj (South), New Delhi
5. Shri Chandgi Ram