

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

Grievance No. PGC/2017/DP/106

Date of hearing: 12th July, 2018

Complainant : Shri Rakesh Kumar
Respondent : Special C.P. (Vigilance) through-
ACP D.K. Sharma, PG/Rohini
SI Rajesh, PS Begumpur
SI Pardeep, PS Begumpur
ASI Shamsheer, PS Begumpur
Inspector R.S. Meena, SHO/Begumpur

1. Brief facts of the complaint

The complainant has filed a complaint in PGC stating that he had submitted many complaints regarding illegal and arbitrary acts of his wife and her family & her friends with him and his children liable to be booked under various provisions of POSCO, IPC, Cr.P.C. and other statutory laws. He further stated that in connivance with police officials of local police station no action was taken by the police. All the complaints were filed even without taking note on the contents of the complaints and statements of the complainant or children or providing opportunity of being heard resulting in continues harassment of him as well as his minor daughters aged 9 and 4 years. The complainant has requested for fair and impartial inquiry for the sake of justice with visually handicapped person and his two minor daughters who are subjected to physical harassment and victim under POSCO, PWD, IPC etc. by the wrong and illegal acts of police officials of PCR and local police station.

2 facts emerging during the proceeding

An ATR has been filed by DCP/Rohini District, stating that " the Hon'ble Commission have passed certain direction to be clarified. Pointwise reply of the same are as below:

It is submitted that both the child have leveled some general allegation against his mother and others like abusing and beating. From the perusal of allegations it is not clear whether any cognizable offence made out or not. Hence, the compliant was sent for legal opinion to clear whether any cognizable offence made out or not and to know the specific section and act. Wherein the Addl. PP opined that both the baby Mahima +Aishwarya leveled general allegations of giving abuses+ beating against their mother. In my opinion no offence is attracted against alleged. As per the legal opinion the complaint was filed. Whereas on which complaint the case was registered in PS Vijay Vihar, complainant has leveled some specific allegations (which were not alleged

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in prior complaint in PS Begumpur) of sexual harassment and assault against baby Mahima and Aishwarya by Amit, Sachin, Pinki, Radhey, Shiv Shankar, Security Guard and others. Wherein it is alleged that mama of victim girl namely Amit gave his mobile to victim to see obscene videos and committed unnatural sex with minor girl in 2015 and Amit and other mama namely Sachin abused her by uttering Ullee and bhanchod and her mother Pinki used to threat her not to disclose about the visit of unknown uncles to anyone.

It is submitted in this regard that acting upon PCR call on 13.9.2016 regarding a thief in caller's house, ASI Shamsheer Singh reached on the spot i.e. H.NO. 1-2 Pkt-18, Sector-24 , Rohini, Delhi and found the wife (Pinki) of the caller inside the house alongwith a person about whom she told that he is her "Dharam Bhai". In this regard her statement was also recorded wherein she stated that at 4.00 p.m. her Dharam Bhai Shiva came to meet her and her husband locked the main door from outside and made a PCR call regarding thief in his house. She further stated that he is not a thief but her acquaintance. As per her statement, the PCR call was filed by ASI Shamsheer Singh vide DD No. 77B , dated 13.9.2016 mentioning the same facts with detail of Dharam Bhai as Shiva s/o Laxmi r/o E-24/74 Sec-7, Rohini, Delhi.

As far as the allegations against ASI Shamsheer for his being in constant touch with the complainant's wife is concerned, ASI Shamsheer told that the present complainant moved many complaints after 13.9.2016 and he might have called for certain clarifications. However, ASI Shamsheer did not make any call as per details of Mobile NO. 7210808706 provided by complainant. Instead of this, he had received calls from the given number and that is also only on the day of PCR call and next day for very short call durations.

It is submitted in this regard that the alleged "Dharam Bhai" and wife of complainant Pinki told the name of Dharam Bhai as Shiva s/o Laxmi r/o E-24/74 , Sector-7, Rohini, Delhi and the same was disclosed to the complainant orally and even in the reply of his RTI wherein he was provided the DD Entry 77B dated 13.9.2016 mentioning the facts of PCR calls and address of Dharam Bhai."

On questioning by the Commission, respondent SHO/IO who were present informed that the identity of the alleged trespasser was not verified further since the lady of the house (the wife of the

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complainant who made call to PCR) informed that the so called intruder is known and is her “Dharam Bhai”.

3. Directions of PGC

DGP/Rohini District may again look into the matter on the ground that SHO & IO informed that the identity of the alleged trespasser was not verified further since the lady of the house the wife of the complainant(who made the call to PCR) informed that the so called intruder is her known and is her “Dharm Bhai” due to lack of investigation skills of the IO. Consequently the verification of the identity of so called “Dharm Bhai” remain unverified. Mere making DD entry does not ratify the police action and filing of PCR call is uncalled for. It was incumbent upon the IO to verify the intruder and reasons for his presence when the call is made by husband after locking him from outside.

Explanation for non application POCSO in the ATR are not plausible. The main reliance has been placed on the opinion of APP, whereas, as per circumstances and statements of the prosecutrix there was definitely exposure of the children to illegal acts (sexual acts) and in her statement (Mahima) stated that Radhey uncle was naked and was staring at her and Mummy was also naked in the room. All these activities clearly goes to state that there was exposure of the children to indecent acts and they could be subjected to sexual acts and which ultimately happened with her as per FIR of P.S. Vijay Vihar. The facts needs to be considered and reviewd by DGP/Rohini for an appropriate action against the defaulters..

With the above advice, 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 - 110001
2. The Deputy Commissioner of Police (District Rohini), PS Begumpur Building, 1st Floor, Sector-23, Rhini, Delhi-110086
3. SHO/PS Begumpur, Police Station Begumpur-110086
4. Shri Rakesh Kumar

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