

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: 14th June, 2018

Complainant : Smt. Bimla Gupta wife of Shri R.C. Gupta
Respondent : Special Commissioner of Police
Delhi Police (Vigilance),PS Barakhamba Road, New Delhi
Grievance No. : PGC/2017/DP/338
Grievance filed on : 11/12/2017
First hearing in the PGC : 08/03/2018
Scheduled on

1. Brief facts of the complaint

The complainant has filed a complaint against HC Jitender of PS Narela for not performing his duties properly and manipulating a case of eve-teasing to simple physical assault. The complainant has stated that the alleged police official manipulated a case FIR NO. 405/16 of eve-teasing of her daughter in law to simple physical assault. She has further stated that the alleged official has manipulated the chargesheet just to give benefits to the accused persons. She 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 8th March, 2018, the second hearing held on 26th April, 2018, the third hearing held on 24th May, 2018 and the fourth hearing held on 14th June, 2018, when the following were present:-

Complainant : Present
Respondent : SI Sandeep Kumar, PS Narela

3 Relevant facts emerging during the hearing

An ATR answering the queries raised by this Commission has been filed by the holding IO of PS Narela. It has been stated in the ATR that case FIR No. 388/16 u/s 323/341/34 IPC, PS Narela was registered on the complaint of Balram against the family members of complainant. No PCR call was received from complainant at police station. All the accused persons were arrested and released on bail by police at police station. Later, the doctor opined the injuries received by complainant "as Greivous" in nature as two teeth of complainant were broken. As a result section 325 IPC was added in the case.

On 25.5.2016, FIR No. 405/16 u/s 323/341/34 IPC, PS Narela was registered on the complaint of Smt. Bimla Gupta. All accused persons were arrested and released on bail by police. It was not specifically

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alleged in the first complaint that the assault was made in order to outrage the modesty of the daughter-in-law of the complainant, therefore, relevant sections were not incorporated at the time of registration of FIR. However, as per her 164 Cr.P.C. statement, section 354(A) and 354(D) were added.

The chargesheet in both the cases have been filed and cases are pending trial. If complainant is not satisfied she may raise the issue before the court.

Complainant submitted the copy of 164 Cr.P.C. statement of her daughter-in-law recorded by MM on 1.3.2017.

The ATR submitted by police has been taken into account but the pleas advanced in the ATR could not withstand the queries of this Commission which follows as under :-

*Since complainant made complaint in writing to SHO (Narela) on 20.5.2016 duly received vide DD No. 73B dated 20.5.2016 but the case was registered on 25.5.2016 after a gap of 5 days. Delay in registration is unexplained.

*Two consecutive PCR calls have been made by Shri Sumit Gupta at 18:52:06 hrs. and another at 19:09:13 hrs. regarding "quarrel" and "Jhagra or Maarpeet with lady" and were attended by Mobile Petrol Van LBR-47 at 18:55:11 hrs. and reached at spot at 19:26:48 hrs. the plea of police that no PCR call was made by the complainant is not tenable and is a matter of record.

*The perusal of written complaint of Smt. Sunita Gupta made to police on 20.5.2016 reveals that it has specifically mentioned that Balram "usne bahu ki chhati par haath mara" stroked the breast (chest) of her daughter in law with his hand as such the offence u/s 354 IPC clearly made out against accused person. Further more, section 354 Cr.P.C. clearly states

"whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty"

From the above it is clear that by striking at the breast (chest) of complainant's daughter with his hand, he (accused) was knowing it to be likely that he will thereby outrage her modesty and thereby

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committed offence u/s 354 IPC as well. The plea of police that assault was not made to outrage the modesty is not tenable and cannot withstand the acid test of law.

4.. DIRECTIONS OF PGC :

Considering the totality of facts and circumstances the departmental action as deemed fit against the then SHO and Investigating Officers of case FIR NO. 388/16 (for detaining them (Complainant's family) in Police Station till 20.5.2016 and hurriedly putting them under arrest in violation of section 41 (1) Cr.P.C.) and case FIR No. 405/16, PS Narela for the lapses mentioned above.

Action taken report in the matter is sent to this Commission within 30 days from the date of receipt of this order.

With the above directions 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 for necessary action.
2. The Deputy Commissioner of Police (District Outer), Outer District, Old Police Post Dost Pushpanjali Enclave, Road No. 43, Pitampura, Delhi-110034 for information.
3. SHO/PS Narela, Police Station Narela, Delhi-110040
4. Smt. Bimla Gupta, wife of Shri R.C.Gupta