

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

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 28th Jan., 2019

Complainant : Smt. Santosh - Present
alongwith her niece
Respondent : Special CP (Vigilance)-through
SI Jitender, PS K.N. Katju Marg
.
Grievance No. : PGC/2018/ANNEX.II/DP/62

1 **Brief facts of the case**

The complainant has filed a complaint against SHO/PS Prashant Vihar for obstructing /not allowing construction at her property despite of showing the documents of ownership multiple times. She has stated that in March, 2018, she was carrying out construction at her house she was harassed by her brothers-in-law , namely, Dayanad, Tulsi and Dharamvir and pressurized her to hand over a portion of the said property to them. But when she refused, they made a complaint at PS Prashant Vihar pursuant to which she was called in the police station and asked to show papers of the property. Though she showed the papers still the police officials asked her not to carry out any construction for 15 days. After lapse of 15 days when she started carrying out the construction, the police officials again started harassing her and asked her to show the papers again.

Apart from the above, she has raised one more issue stating that the police did not take appropriate action on her complaint of mysterious death of her son in which case was registered vide FIR No. 230/18. She has also alleged that the police closed the above case without sharing the details of investigation with her. She has requested for legal action in the matter.

2. **Relevant facts emerged during the hearing**

PUBLIC GRIEVANCES COMMISSION

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

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2.1 SI Jitender from PS K.N. Katju Marg is present and submitted action taken report, which has been taken on record.

2.2 The police representative further stated that injured Mahaveer, son of the complainant, succumbed to his injuries and expired. Post mortem of deceased was got conducted at BSA Hospital, Rohini and his viscera and blood sample was preserved. In PM report, doctor opined that "Death is due to hemorrhage and shock subsequent upon mentioned ante-mortem injuries. All injuries are fresh in duration prior to death, caused by blunt force impact and could be sustained in the manner as alleged."

2.3 The police representative further stated that viscera and blood sample of deceased were sent to FSL and as per FSL report, opinion "*ethyl alcohol was detected in stomach and blood sample of deceased Mahaveer and no common poison was detected as such. Furthermore, blood sample of deceased was found to contain "Ethyl Alcohol" 130.3 mg/100 ml of blood.*"

2.4 Statement u/s 161 Cr.P.C. of witness Geetanshu Singh Rathor @ Golu was recorded. He too corroborated the fact deposed by eye-witness Mr. Devender that deceased Mahaveer was indeed driving the scooty moments before the accident on the day of incident 4.7.2018.

2.5 SI Jitender further stated that after completion of investigation, an abated charge-sheet u/s 279/338 IPC & 185 MV Act was filed against deceased Mahaveer before the Court on 26.9.2018 and the case was disposed on 3.10.2018 after recording the statements of the complainant Devender and LR of deceased i.e. Smt. Santosh Devi. A Detailed Accident Report (DAR) including chargesheet was submitted in the MACT Court for LR of deceased and a copy of the same was handed over to Smt. Santosh Devi by the Hon'ble MACT.

2.6 As per report filed by SHO/Prashant Vihar, the PIQ i.e. plot no. 69 & 104, Village Razapur was visited. The complainant as well as the alleged party were instructed/advised to follow the direction of Hon'ble Court and maintain the peace and public order else legal action would be initiated against them. The contention of the complainant Smt. Santosh has also been examined and no police action is warranted at this stage, as the matter is sub-judice. The statement of complainant has also been recorded and she is satisfied with the police action. She has no grievance in this matter now.

PUBLIC GRIEVANCES COMMISSION

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2.7 The Commission asked the complainant and her niece about any grievance against the police, to which they replied in negative. They stated that they are satisfied with police action and there is no intervention of police in the last six weeks. However, they informed the Commission about the threats from the alleged Tulsi (brother-in-law of the complainant, occupant of plot No. 69) ever since she installed the gate and constructed the boundary wall. She requested for police protection/assistance in the matter and the alleged Tulsi be suitably warned in this regard. The complainant further stated that the case registered against her vide FIR No. 195/18 is false and motivated.

3. Directions of PGC

3.1 Considering the fact that complainant has filed a civil suit in the court and the matter being sub-judice, the Commission decides to close the case in the Commission.

3.2 The complainant is advised if she gets any threat from the alleged party, she should make a call to police-100 and also the local police station. On receipt of the complaint, SHO(Prashant Vihar) shall look into the complaint and act in accordance with the law and redress the grievance of the complainant.

3.3 With the above advice, the instant matter stands closed in the Commission.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to :

1. The Special Commissioner of Police (Vigilance), Delhi Police, Police Headquarter, 5th Floor, ITO, Delhi.
2. Shri Sagar Preet Hooda, Joint Commissioner of Police, Northern Range, Police Headquarter, ITO, Delhi
3. The Deputy Commissioner of Police (District Rohini), Sector-23, PS Begumpur, Delhi-110086.
4. SHO/PS Prashant Vihar, Police Station Prashant Vihar, Delhi.
5. Smt. Santosh