

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 30.7.1998

Date of hearing: 11th Feb., 2019

Grievance No. PGC/2018/Annex.II/DP/

Complainant : Shri Pradeep Kumar-
Not Present

Respondent : Spl. CP (Vigilance)-through
ACP Panoram Chand,PG/SD
SI Ranbir Singh, PS Saket

1. Brief Facts of the Case

Shri Pradeep Kumar has filed a complaint in the Commission alleging non-registration of FIR in respect of death/murder of his son, namely Hemant Kumar, aged 24 years, at “Nukkadwala Restaurant”, Saket on 29.11.2018. In the said complaint he further stated that he could not meet DCP/South despite repeated visit to his office and it was only after meeting the Joint CP on 7.1.2019, that he could meet DCP/South on 8.1.2019. Even after a month of meeting DCP, no case has been registered in the matter so far. He requested for registration of criminal case (murder) in the death of his son.

2. Facts emerged during the hearing

2.1 SI Ranbir Singh, PS Saket is present and submitted a report merely forwarded by SHO, P.S. Saket.

2.2 He stated that during investigation the scene of crime was preserved for detailed examination by Forensic experts and crime team. Blood stained exhibits including blood stained knife were seized by police teams. It was further stated by police that no incriminating evidence has emerged during initial investigation into the death of Hemant Kumar, the son of the complainant. As there appears to be no suspicion in the death of deceased Hemant,

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accordingly inquest proceeding u/s 174 Cr.P.C. was initiated vide DD No. 33A, dated 29.11.2018 by the area police station, Saket.

2.3 The Commission was further informed that a board of doctors was constituted at AIIMS for conducting the autopsy of deceased. The Autopsy Board also visited the restaurant for crime scene inspection after conducting the autopsy. As per the autopsy report the cause of death has been opined as :

“Hemorrhagic shock consequent upon stab injury sustained to chest caused by the impact of sharp pointed weapon which is sufficient to cause death under ordinary course of nature. All injuries are ante mortem in nature and fresh in duration”.

The viscera of the deceased has been deposited at FSL for examination and opinion is awaited. The other exhibits including blood stained knife, clothes of the deceased, blood sample of the other employees seized by police from the spot, has been sent for examination at CFSL, Lodhi Road for examination and the result of the same is awaited. From the inspection of the T-Shirt of the deceased, it has been found that there is no corresponding cut mark which raises grave suspicion with regard to the stabbing of the deceased.

2.4 SI Ranbir Singh further stated that the result of the exhibits alongwith the clothes of the deceased will be sent to the Autopsy Board for its final opinion, once received from FSL. After obtaining the final opinion from Board, appropriate legal action will be taken in the said incident. Meanwhile inquest proceedings are underway u/s 174 Cr.P.C. The DVR of the CCTV's installed in the restaurant too was checked and it was found that no recording/footage since 25.11.2018 i.e. four days prior to the incident is available due to error of an employee/system. The DVR has been seized in the case and sent to FSL for examination.

2.5 The Commission gathered from submissions of police that the complainant has filed a complaint in the Court u/s 156 (3) Cr.P.C. requesting registration of criminal case and investigation into the death of his son. However, he failed to give any reference or any documents to that effect including any observations or orders made by the court in the matter.

2.6 The complainant is not present. When contacted over telephone, the other son of the complainant picked mobile phone and informed that complainant could not attend Commission since he had to attend the court on 11.2.2019 in connection with complaint filed in the matter.

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3. Directions of PGC

3.1 The Commission notes that the complaint being centered on the information that a death has been caused, not a natural death, to son of the complainant, in very suspicious circumstances. Allegedly, it is perpetrated by alleged known/unknown persons and the area police is yet to register a cognizable offence, made out from the complaint, despite repeated complaints made to senior police officers exercising supervision over area police. Apparently, it reflects bare insensitivity of district police, besides it being oblivious of the directives of the Hon'ble Supreme Court of India in the matter of Lalita Kumari Vs. State of UP & Ors.

3.2 Such conduct of investigation by overriding the procedures of law and directions of the judicial precedents needs attention of DCP/South District and Joint CP/Southern Range, specifically to the question as to -

How the area police (PS) can in a case of alleged homicide, as understood from examination of post mortem report and police report including other presented non proved evidences, refused cognizance of criminal case and interestingly conduct such detailed investigation with all efforts to declare the death as 'Natural' by acting as courts of law rendering opinions and judgement by drawing conclusions?

3.3 This blatant disregard for the law of the land is extremely disturbing especially when it is exhibited in the case of an alleged murder which is indicated to be so in the PM Examination. Further, this is also not a case where the complainant is seeking action to settle scores with anybody as it is to be registered against unknown persons. This apathy and insensitivity shown by the concerned police officials is disgraceful. When the commission of a heinous crime is reasonably suspected, police is duty bound to initiate the investigation after registration of an FIR to set the legal process into motion.

But in the instant case, the police is appearing But in the the instant case, the police is appearing to scuttle the due process of law by denying the registration of a case even.

3.4 The Deputy Commissioner of Police, South District is therefore required to look into the basic reasons of non registration of FIR being practiced and defended by the subordinate police officials. It is also impressed upon the DCP/South District to afford hearing to the complainant, if he so desires and direct subordinate officers appropriately to meet public complainants during specified timings on working days realizing the 'Access to Police & Justice'

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since uniformed police officials and police stations are the first person/ reliable place for citizens to seek assistance in times of distress and difficulties.

3.5 The complainant is advised to approach DCP/South District with reference to his complaint and observations/directions of Hon'ble Court and the office of Delhi State Legal Services Authority, Patiala House to apply and seek compensation for loss of life of his son under Delhi Victim Compensation Scheme 2015.

3.6 The Commission finds the matter a serious one requiring detailed examination of issues. Any observations on the merits, at this stage, may prejudice the Hon'ble Court seized of the application made under section 156(3) Cr.P.C. preferred by the complainant for seeking registration of FIR and investigation, as informed to the Commission by the police and complainant.

3.7 The complaint is disposed off at the Commission's end with directions to Deputy Secretary, Grievances (Police) to send copy of this order by names to Spl. C.P./Vigilance, Joint C.P. Southern Range and DCP/South District.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to :

1. Shri R.S. Krishania, Special Commissioner of Police (Vigilance), Delhi Police, Police Headquarter, 5th Floor, ITO, Delhi.
2. Shri Devesh Chandra Srivastava, Joint Commissioner of Police (Southern Range), Police Headquarter, Vth Floor, ITO, Delhi
3. Shri Vijay Kumar, the Dy. Commissioner of Police (District South), Police Station Hauz Khas, New Delhi-110012
4. Deputy Secretary, Grievances (Police), Public Grievances Commission, ITO, Delhi
5. SHO/PS Saket, Police Station Saket, New Delhi
6. Shri Pradeep Kumar