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:1st February, 2018

Complainant	:	Shri Achinta Kumar Das. c/o Shri Sunil Kapoor. O/o SDM Karol Bagh. Jhandewalan. Paharganj. New Delhi-110055
Respondent	:	**Special Commissioner of Police Delhi Police (Vigilance),PS Barakhamba Road, New Delhi**
Grievance No.	:	PGC/2016/DP/248
Grievance filed on	:	8/8/2016
First hearing in the PGC Scheduled on	:	29/09/2016

1. Brief facts of the complaint

The complainant has filed a complaint for abusing the process of Established law to support the legal terrorism against Shri Sanjay Kumar Sain, IPS, the then ACP-Sadar Bazar, Shri Rajender Prasad, ACP, PG/North, Inspector Sunil Tanwar, Inspector, Subhash Meena, SHO/Subzi Mandi and SI Abhijit. He has alleged that the competent authority of DCP/North despite knowing the facts regarding dowry, no cognizance has been taken against W/Ct. Rekha and Shri Sadhu Ram.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 17th Nov., 2016, the second hearing held on 2nd March, 2017, the third hearing held on 8th June, 2017 , the fourth hearing held on 31st August, 2017, the fifth hearing held on 1st February, 2018, when the following were present:-

Complainant	:	Present
Respondent	:	Inspector Pankaj Sharma, Vigilance
		ACP Deependra Kumar Singh, Central

3 Relevant facts emerging during the hearing

During the hearing held on 2nd March, 2017, the complainant expressed his dis-satisfaction with the ATR of DCP/ Vigilance dated 9.1.2017 and stated that all his issues/complaints were not covered in the ATR and provided four sets of documents /complaints, copies of which were provided to Inspector Pankaj Sharma of Vigilance Branch to ascertain the queries raised by the complainant.

During the hearing held on 31.8.2017, an ATR was filed by Addl. Commissioner of Police/Vigilance stating that the complainant provided four sets of

documents/complaiants before the Commission and Hon'ble Chairman had advised him to look into these complaints and documents for legal action. During further enquiry, the complainant was called and his fresh statement was recorded. In his statements he has made the following allegations :

(A) The grievance with regard to the complaint given by him to PGC Diary NO. 17793 PGC. dated 24.1.2017 :-

Point no.	Allegtion	Action already taken	Further action taken	Remarks
1.	Complainant had lodged one complaint against W/Ct. Rekha and her family members to the SHO/Subzi Mandi vide DD NO. 33B dated 15.4.2013 and another similar complaint to DCP/North vide Diary NO. 1071-A/DCP North dated 30.8.2013 regarding his safety but the concerned authority had kept pending pending it more than one year	A detailed enquiry was conducted by ACP/Sadar Bazar Mr. Sanjay Kumar Sain, IPS and he found that no cognizable offence was made out in his complaints so no police action was required.	This part of allegation was covered during present vigilance enquiry and found the action of local police to be justified as no cognizable offence was made out.	
2.	Sanjay Kumar Sain IPS the then ACP/Sadar Bazar had filed the above complaint on 10.6.2014 without showing any concern for his life and property.	Do	-Do-	
3.	Shri B.K. Yadav, IPS, the then Addl. DCP/North vide No. 1442/RTI Cell-North, dated 30.1.2015 ordered to conduct re-enquiry into the matter mentioned at point No. 1	As per record of North District, Addl. DCP Shri B.K. Yadav had ordered re-enquriy but it was not the same complaint as mentioned at point no. 1 in fact the	No further action is required.	

		complaint was different from the point no. 1 and the allegations were regarding contradiction in allegations and petition of D.V. Act and Affidavit . Re-enquiry into the same was got conducted by ACP/PG Cell, North and the allegations leveled were not substantiated. However, sHO directed to monitor the investigation of the case FIR No. 90/14 u/s 498A/406/34 IPC PS Subzi Mandi closely for fair and impartial enquiry.		
4.	When the concerned ACP PG Cell kept pending the above said complaints then complainant lodged a similar complaint before the PGMS Delhi vide NO. 201569412 on dated 20/10/2015. He also alleged that on one side Shri Madhur Verma DCP/North had replied to PGMS that allegations could not be	An enquiry into the matter got conducted through ACP/PG Cell and similar complaint enquired by local police and allegations were not substantiated. Secondly, as per record of	However, if aggrieved he may file appeal in this regard to the appropriate authority under the provision of RTI Act	

	substantiated so above said complaints were disposed off but on other hand during RTI reply the PIO DCP/North vide letter NO. 21713/HD-3377/2015/RTI Cell North dated 1/12/2015 had stated that this complaint was pending with ACP PG Cell	complaint branch North the said complaint was put up on 7.6.2016 for final disposal to Addl. DCP/North so PIO North in his reply dated 1/12/2015 had stated that the said enquiry was pending.		
5.	The complainant had got the enquiry report of above said complaint during his RTI repy from PIO DCP/North vide letter NO. 244/HD-3702/2015/RTI Cell North dated 6.1.2015. He alleged that the concerned authority did not examine the complaints properly in question mentioned at point NO.1	Covered in point no. 1	No further action is required.	
6.	That the concerned authority during the course of enquiry into the instant complaints had examined the IO/SI Abhijit Singh but the applicant did not raise any allegation against SI Abhijit Singh into the complaint in question	It is the prerogative of the EO to examine anyone thought to be relevant to reach the truth	No further action is required.	
7.	The complainant had sought a clarification point wise NO. 1 to 19 mentioned in his complaint dated 5.8.2014, but the concerned had not replied	Point wise enquiry was already conducted by ACP/Sadar Bazar and ACP/PG Cell	No further action is required.	

	accordingly.			
8.	The complainant stated in his statement that all the concerned alleged namely W/Ct. Rekha, Mrs. Sarla @ Mani etc. may kindly be examined and also find out the call details to know the authenticity of the allegations.	During earlier enquiry they were examined by ACP/PG Cell. Now it is not possible to obtain CDR of that time as the matter pertains to 2013 and the service provider maintain the backup CDR data of only one year.	No further action is required.	
9.	W/Ct. Rekha had left the house on 5.4.2013. since then she had withdrawn about 2 lakhs from her salalry account Axis Bank within two weeks	It is not relevant for the point of present enquiry	No further action is required.	
10.	The PIO-DCP-North vide letter NO. 7489/RTI Cell/North dated 6.6.2016 had wrongly informed in RTI reply that DD NO. 33B dated 15.4.2013 PS Subzi Mandi was lodged by W/Ct. Rekha against her hus band but in-fact it was lodged by the complainant Achinta Kumar Das	SI Anand NO. D-890 (the then HAC now posted in SIP Outer District) and his dealing Assistant HC Mahipal NO. 77/N &ct. Sunil Kumar No. 2802/N had written in their report inadvertently that DD No. 33B dated 15/4/2013 PS Subzi Mandi was lodged by the wife	No further action is required.	

		of the complainant Achinta Kumar Das. If approved we may ask DCP/North District to warn them to remain careful in future and not to repeat such mistakes while putting draft reply to the RTI Cell		
11.	That W/Ct. Rekha had lodged a complaint to DCP/Central District vide Dy.No. 23655/DCP-Central dated 28/5/2013 agaisnt complainant regarding not giving the money for domestic expenditure	On 28/5/2013 a complaint was lodged to DCP/Central District vide Dy. No. 23655/DCP Central by W/Ct. Rekha against her husband Achinta Kumar Das alleging therein that her husband did not give money for domestic expenditure and was forcing her to take divorce from him. The said enquiry was conducted by ACP Sub-Division Pahar Ganj in which the said matter was solved	No further action is required.	

		amicably between both so the above said complaint was filed.		
12.	Complainant alleged that on 15.4.2013 W/Ct. Rekha alongwith her sister Monika @ Mani reached in the office of the applicant and threatened for his life.	This allegation has been leveled freshly and hence is an afterthought.	No further action is required.	

(B) The grievance with regard to the complaints Diary No. 8351/PGC dated 8/8/2016, LG's Dairy NO. 30720 dated 8.8.2016 is as under :-

He has alleged that he made complaint against W/Ct. Rekha and her father Sadhu Ram and others before the Directorate of Vigilance, GNCTD regarding extortion and misappropriation of wealth. In this regard it is submitted that the allegations were covered in the ATR sent to PGC office vide letter no. F-24/301/Vig./16/387/HA-PGC/VIP/Vig, dated 9/1/2017.

(C). The grievances with regard to the complaints Diary No. 15105 /Jt. CP CR dated 6/8/2014, 10881-PGC, GnCTD dated 15/9/2016, Spl. CP/Vig.

He has alleged that W/Ct. Rekha had filed a false affidavit before the court of law. In this regard it is submitted that the above allegation was covered in the ATR sent to PGC office vide letter No. F-24/301/Vig./16/387/HA-PGC/VIP/Vig., dated 9.1.2017.

(D) The grievances with regard to the complaints diary NO. 10882/PGC, GNCT dated 15/9/2016, LG's No. 37107/LG, Dehi dated 15/9/2016 is as under :-

He has alleged that W/Ct. Rekha had changed the name of his younger son Rudraksh Kumar Das to Tejas Kumar Das. In this regard, it is submitted that the above said allegation was covered in the ATR sent to PGC office vide letter NO.F-24/301/Vig./16/387/HA-PGC/VIP/Vig., dated 9.1.2017."

4. **Directions of PGC**

The Commission perused the ATRs and observed that the points raised by the complainant in his original complaint and the four sets of representations given by the complainant have been considered and taken into account by the police. The Commisison has, therefore, decided to close the case in PGC.

(SUDHIR YADAV)
MEMBER(PGC)

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Copy to: 33373-377 28/2/18

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 DCP/Vigilance, Delhi Police, Police Station Barakhamba Road, New Delhi-110001**
4. **The DCP/District North, Behind Police Station Civil Lines, Civil Lines, Delhi-110054**
5. **Shri Achinta Kumar Das c/o Shri Sumit Kapoor, o/o SDM Karol Bagh, Jhandewalan, Paharganj, New Delhi-110055.**