

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: 13th March, 2018

Complainant : Shri Devender Kumar s/o Shri Mehar Singh,
Email dkfouryou@gmail.com

Respondent : **Special Commissioner of Police**
Delhi Police (Vigilance), PS
Barakhamba Road, New Delhi

Grievance No. : PGC/2017/DP/286
Grievance filed on : 3/10/2017
First hearing in the PGC : 28/11/2017
Scheduled on

1. Brief facts of the complaint

The complainant has filed a complaint stating that Delhi Police personnel in plain clothes abducted him near Ambadeep/HDFC building, KG Marg on 24.7.2017 at around 1.45 p.m. He was mentally and physically tortured/abused beyond explanation. He alleged that he was beaten mercilessly and forced to sign numerous blank papers. He further alleged that on 24/25 night they took him to Kanjhawala Village and his office (complainant's office) at Uttam Nagar and forcibly entered into office and looted Rs. 10,000/- cash and took several files and documents alongwith them. While doing this they were objected by his neighbours and family members, they abused and threatened them with dire consequences. The complainant has also alleged that he was kept in illegal custody for four days w.e.f. 24.7.2017 to 27.7.2017. On 27th they formally arrested him and lodged FIR No. 323/17 at AATS/South Vasant Kunj and was produced in the Court on 28.7.2017. The alleged police personnel also demanded money from him in order to release him. The complainant has requested for necessary action in the matter.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 6th February, 2018 and the second hearing held on 13th March, 2018, when the following were present:-

Complainant : Present
Respondent : ACP S.A. Rashid, PG Cell/SED
SI Krishan Kumar, AATS/South

3 Relevant facts emerging during the hearing

An ATR has been filed by Inspector Richhpal Singh, In-charge AATS/South District, stating that the complaint was enquired into and it revealed that on 27.7.2017 at about 1815 hours, complainant Devender Kumar Dabas was apprehended on secret information from Lt. Ribhu Saxena Marg, Vasant Vihar with a stolen car and during his search illegal country made

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

pistol and two live cartridges were recovered. He was arrested vide FIR NO. 323/17 dated 27/7/2017 PS Vasant Vihar, Delhi. The point wise reply of allegations are as under :-

- i. The duration of illegal detention was alleged to be from 24th July to 27th July, 2017, however, during such a long period, no police complaint or PCR call was made by the complainant and any of his family members against this purportedly illegal detention. This is itself suspicious that a person remains absent such as long period and none of his family members were concerned of his whereabouts as well as not tried to locate him.
- ii. In his complaint, he had also mentioned that on intervening night of 24/25 July, 2017, altercation took place between police personnel and his family members and neighbour when police personnel took him in Kanjhawala and Uttam Nagar at his home and office, however, astonishingly there is no PCR call was reported for these altercations in concerned police stations.
- iii. He further alleged that on 25 July, 2017, he was beaten mercilessly and paraded in full public view, for this offence despite of conspicuous beatings there is no PCR call for this incident also despite of the fact in complaint that his family members were present. Moreover, medical examination of the accused was conducted on 27.7.2017 to 31.7.2017 vide MLC NO. 174583, MLC NO. 175346 and MLC NO. 178240 respectively. In all three MLCs, there is no injuries marks were present as declared by examining doctor. Even more complainant never mentioned the fact of beatings to examining doctor while medical examination. The detail medical examination was got done at the time of arrest and history of Asthma as declared by complainant was also mentioned by doctor. Copy of MLCs reports are annexed herewith. It is not possible to recuperate instantly to any person who was subjected such torture as mentioned by the complainant.
- iv. No CTV camera /DVR was taken into police possession. Further, complainant himself stated that they were not in working order.
- v. As per the allegation mentioned in complaint, he alleged that he went to Connaught Place to inform the insurance company about recovery of his stolen vehicle and to drop the claimed proceedings. However, he has not informed police or investigating officer about such recovery. Being law graduate, he must aware crucial evidence can be collected in order to trace accused persons. Since, complainant himself lodged false stolen report of his car and aware that his plot might be conquered so he never informed police about such recovery. Moreover, information to insurance company can be telephonically conveyed to insurance company.
- vi. During the judicial proceedings, accused Devender Kumar Dabas was produced numerous times before Hon'ble court while seeking police custody remand and judicial custody remand. Further, he was also contacted to his legal counsel and informed his ground of defense. The allegations of looting of Rs. 10000/- and illegal detentions were never raised by accused/complainant or his family members or his counsel before Hon'ble Court. Further, the oral and written submissions of the

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

counsel of accused never tender these allegations before hearing of bail matters as these grounds were not proactively conceptualized by accused at the time of judicial proceedings. It is always considered the best defense to lodge bribe allegations against police officials to distract them for doing such daring task.

- vii. It is here pertinent to mention that complainant, being law graduate, has ample experience to present case before the Honble Court. There are no injuries marks shown over the person of complainant at the time of medical examinations. There is no PCR call made by the complainant and his family members for illegal detention. Neither complainant nor his counsel ever raised the facts of illegal detentions or torments and take out cash of Rs. 10,000/- before Hon'ble Court in written or oral submissions on hearing of Bail matter or production at the time of extension of judicial custody remands. Copy of bail application and bail orders are annexed herewith. The allegations mentioned in the complaints are afterthought that is why there is no other corroborated evidence available. Lastly, having previously involved in case FIR NO. 1086/14 u/s 380/411 IPC PS Kanjhawala, Delhi, accused/complainant has knowledge how to tweak adverse facts in his favour as well as to pressurize prosecution witnesses who will be deposed against him.
- viii. In view of above facts and circumstances, present complaint filed by the complainant is false, frivolous and baseless and may be filed please."

4. Directions of PGC

In view of the above, 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.**
- 2. The Addl. Commissioner of Police (Vigilance), Delhi Police, Police Station Barakhamba Road, New Delhi-110001.**
- 3. The Deputy Commissioner of Police (District South), Police Station Hauz Khas, New Delhi**
- 4. Shri Devender Kumar s/o Shri Mehar Singh, email dkfouryou@gmail.com**