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:18th April, 2018

Complainant	:	Shri Gian Prakash, s/o Shri Itwari Lal
Respondent	:	Special Commissioner of Police Delhi Police (Vigilance),PS Barakhamba Road, New Delhi
Grievance No.	:	PGC/2017/DP/184
Grievance filed on	:	28/6/2017
First hearing in the PGC Scheduled on	:	30/8/2017

1. Brief facts of the complaint

The complainant has stated that an FIR No. 60/2007 u/s 363 was lodged on 6.5.2007, but the police has not done any worthwhile investigation inspite of giving the written as well as oral evidence/proofs to the police. He alleged that SHO Atul Kumar, SHO, Rajveer Lamba and SHO Rajveer took the bribe from the criminals and they saved them (the criminals) by taking bribe from them. He further alleged that IO pressurized him to withdraw the case on 6.6.2017. He has apprehension that IO Sunil Kumar has also taken bribe from the criminals. The complainant has also alleged that the police has neither concluded the investigation nor has arrested any criminal till today. 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 30th October, 2017, the second hearing held on 1st November, 2017, the third hearing held on 17th January, 2018, the fourth hearing held on 28th February, 2018, the fifth hearing held on 28th March, 2018 and the sixth hearing held on 18th April, 2018, when the following were present:-

Complainant	:	Present
Respondent	:	ACP S.P. Tyagi, Ops/Dwarka
		SI S.R. Meena, PS Najafgarh
		ACP Dharam Pal, PG/Dwarka

3 Relevant facts emerging during the hearing

An ATR has been filed by ACP S.P. Tyagi, ACP/Operation Cell, Dwarka, District, stating the following :-

i. The complainant Shri Gyan Prakash was called and the papers/documents he has, have been checked. The perusal of documents and his statements reveals that he is a native of district Mainpuri UP and had a piece of land admeasuring 1005 sq.ft. in village Nangal Rai District, Mainpuri. He is a tailor by profession and was working as

a tailor in Munirka. Ram Baran and Chander Bhan are his real brothers and younger to him. Another piece of land admeasuring 80 sq.yards was purchased for Rs. 1.04 lakh and Ram Baran contributed Rs. 32000/- while complainant paid Rs. 21,000/- and remaining balance was paid by Chander Bhan. Chander Bhan became owner of 50% of the area of land i.e. 40 sq.yards and Ram Baran and Gian Prakash of 20 sq.yards each. A dispute arose between the brothers and with the intervention of elders of village and family, a settlement taken place. The plot located in Vill. Nangal Rai was amicably given to Ram Baran reportedly in lieu of his share in plot located in Jai Vihar. But it is further alleged that Ram Baran has a grudge against him and has killed his both t he sons Pradeep and Pawan.

ii. Case FIR No. 60/2007 IPC P.S. Najafgarh: This case was registered when missing of his sons Pardeep was reported by complainant Shri Gyan Parkash the case file has already been filed in the Court of Ld. MM and pending consideration and complainant is aware of this fact.

iii. DD No. 20A, dated 8.4.2011 u/s 174 Cr.P.C. P.S. Baba Hari Dass Nagar: On 8.4.2011 I/C Z-71 SI Nand Kumar No. 3854/D reported that a 15 year boy had become unconscious due to drowning in pond and was being taken to RTR Hospital. The information was lodged vide DD No. 20A, dated 8.4.2011. At 4.25 p.m. another call from RTR hospital was received vide DD NO. 22A, dated 8.4.2011 that unknown boy aged 15 years had been brought dead due to drowning by PCR officer ASI Purshotam Lal of P.S. B.H.D. Nagar was detailed as an enquiry officer, who conducted the proceeding u/s 174 Cr.P.C. and after postmortem on the person of deceased identified as Pawan the younger son of the complainant Gyan Prakash, handed over the corpus to him. The autopsy surgeon declared the death was due to ante mortem drowning and no mark of external injury was found on the person of deceased.

iv. When examined Gian Prakash stated that on 8.4.2011 he was in Munirka where he was doing the job of a tailor. At around 8.30 p.m. he received an information from his home that his son Pawan who used to return from school around 7.30 p.m. had not come. He rushed to his house. Meanwhile one of his neighbour around 10.00 p.m. or 10.30 p.m., informed police on 100 about missing of Pawan. After some time ASI Purshotam Lal called them to police station and informed about the death of a 15 years old boy due to drowning in Talab of Baba Haridas Temple.

v. On perusal of file it is that Shri Gian Prakash filed a complaint u/s 156(3) Cr.P.C. urging the Ld. AC MM to summon Ram Baran his younger brother, Vikas and Jai Kishan both his tenants as accused for killing his sons. During the proceeding u/s 156(3) Cr.P.C. complainant Gian Prakash produced document claiming the statement of Ram Baran wherein he had admitted that he has killed the sons of his elder brother Gian Prakash and sought forgiveness. Complainant also produced Kamta Prashad as a witness. Later was also a signatory of the alleged proceeding of Panchayat. After considering and analyzing all material provided by t he complainant, Ld. AC MM found that the claim/allegations of murder of his both the sons by the trio alleged

person were based on conjectures and surmises and has no iota of evidence. The alleged document claimed to be containing admission of Ram Baran about killing of his sons was also found meaningless.

vi. ASI Purshotam Lal who initially conducted proceeding u/s 174 Cr.P.C., has been examined. Now he is posted in PCR. He categorically stated that the statement of Gian Parkash was signed by him (Gian Prakash).Since he was badly disturbed and unconsolable due to demise of his 2nd son he was not answering properly. Assistance from his relatives was taken to ascertain information. Minor deviation was due to mistake and not deliberate.

vii. The final report of untraced in case FIR No. 60/2007 u/s 363 IPC PS Najafgarh pertaining to missing of his elder son Pardeep, has been filed in the concerned court and pending consideration. His complaint regarding murder of his son Pawan filed u/s 156 (3) Cr.P.C. has been dismissed on merit after giving fair chances to the complainant Gian Parkash to submit his evidence."

4. Directions of PGC

As per the ATR filed by ACP/Operation Cell/Dwarka District " the final report of untraced in case FIR NO. 60/2007 u/s 363 IPC P.S. Najafgarh pertaining to missing of his elder son has been filed in the concerned court and same is pending consideration. His complaint regarding murder of his son Pawan filed u/s 156 (3) Cr.P.C. has been dismissed on merit by the Court of Metropolitan Megistrate after giving fair chances to complainant to submit his evidence.

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. Joint CP (Western Range), Delhi Police, Police Headquarters, ITO, Delhi
3. The Addl. Commissioner of Police (Vigilance), Delhi Police, Police Station Barakhamba Road, New Delhi-110001.
4. The Addl. Commissioner of Police (District Dwarka), Sector-19, Dwarka, New Delhi-110075.
5. SHO/Najafgarh, PS Najafgarh, Delhi
6. Shri Gyan Prakash s/o Shri Itwari Lal

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