

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: 23rd May, 2018

Complainant : Ms. Preeti
Respondent : Special Commissioner of Police
Delhi Police (Vigilance), PS
Barakhamba Road, New Delhi

Grievance No. : PGC/2017/DP/320
Grievance filed on : 21/11/2017
First hearing in the PGC : 28/2/2018
Scheduled on

1. Brief facts of the complaint

The complainant has filed a complaint against Delhi Police for non-registration of FIR. She has stated that her husband tried to kill her by strangulating her. SI Jasbir Malik got her signature on a paper; however, she was not aware as to what was written on the paper. The said SI also got her parents' signatures and assured them that he would get the alleged persons sentenced for 10 years but she was surprised that no action was taken against her husband. On requesting the SI to get her statement recorded she was told by him that she had already given her statement whereas she did not give any statement. She has alleged that the SI was connived with her husband and requested for legal action in the matter.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 28th February, 2018, the second hearing held on 14th March, 2018, the third hearing held on 11th April, 2018, the fourth hearing held on 2nd May, 2018 and the fifth hearing held on 23.5.2018, when the following were present:-

Complainant : Not Present
Respondent : -

3 Relevant facts emerging during the hearing

An ATR has been filed by SI Jasbir Malik, PS Ranhola, stating the following:-

It is submitted that a PCR call vide DD No. 5A, dated 24.10.2017 regarding hanging done by a girl namely Preeti at her home was received in P.S. Ranhola and same was marked to me for further action. On receiving of the PCR call, the undersigned alongwith other police staff reached at the spot i.e. H.NO. 129, Gali No. 9, R.Block, Part-II, Vikas Nagar, New Delhi and came to know that Preeti has already been taken to hospital by her husband Shiv Kumar Maurya. Thereafter, information from Mata Chanan Devi

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Hospital, Janakpuri, New Delhi was received in P.S. Ranhola vide MLC No. 8769/2017 regarding hanging done by one Preeti at her home and she is alive.

The undersigned alongwith police staff reached at Mata Chanan Devi Hospital, and came to know that she has been shifted to RML Hospital by her husband Shiv Kumar Maurya due to insufficient funds to pay for treatment. The MLC NO. 8769/17 was collected from the hospital and it has been noted on the MLC by the doctor that "Patient was brought into casualty in drowsy and in altered sensing with A/H/O hanging at home at above mentioned at aprox 2.00 a.m. on 24.10.2017 as told by B/B Shiv Kumar Maurya (husband)". The undersigned collected the MLC and went to RML Hospital. I met with Ms. Preeti Maurya and her parents who narrated the incident. She stated that she was married to Shiv Kumar Maurya on 7.7.2014 and she is having a daughter namely Kritika age one and half years out of this wedlock. She further submitted that from the last 5-6 months she has developed some differences with her husband and due to which she was under mental pressure. Due to this on 24.1.2017 at around 1.30 a.m., she tried to hand herself with ceiling fan but her husband Shiv Kumar Maurya saved her and took her to hospital and informed her parents. She did not want any legal action against her husband and the statement of Ms. Preeti Maurya was recorded in front of her parents and all signed on the statement. Thereafter, the undersigned came to police station and all the facts of the PCR call was narrated to senior officers.

After few days, Ms. Preeti Maurya started raising some serious allegations against her husband and she submitted that her husband tried to kill her at that day but somehow she was survived. She urges to take legal action against her husband. Therafter on 2.11.2017, statement of Ms. Preeti and her parents were got recorded from Ld. Tehsildar, Dwarka, New Delhi and they alleged that Shiv Kumar Maurya used to threaten her and he demanded dowry. They further submitted that they were unable to meet the demands of Shiv Kumar Maurya due to which he tried to kill her in the intervening night of 24.10.2017. The facts of the case were discussed with senior officers and considering the circumstances of this case, a case FIR No. 786/2017 u/s 498A IPC dated 10.11.2017 has been registered and the case is pending investigation.

During the investigation of the case, detailed statement of the complainant and her family members have been recorded and the accused Shiv Kumar Maurya was examined in the lights of the allegations raised by the complainant. The ligature material "Chhuni" has been seized from the house through seizure memo. Further accused Shiv Kumar Maurya was given a notice u/s 41A Cr.P.C. directed him to

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join investigation of the case and he has joined investigation of the case as and when required. During further investigation of the case the younger brother of the accused Shiv Kumar Maurya who was present in the house at the time of alleged offence was interrogated but he also refuted all the allegations raised by the complainant. The crime scene was visited and site plan was prepared. The discharge papers from Ram Manohar Lohia Hospital of the complainant have been collected.

As per the summery mentioned by the doctor on the treatments papers it has been mentioned that Preeti Maurya was given some seductive substance by her husband Shiv Kumar Maurya and later on when she became unconscious he tried to hang her on ceiling fan, but somehow she was survived. A request letter to give subsequent opinion regarding the alleged offence has been given to the HOD Mortuary, DDU Hospital and the ligature material which was seized by the police during investigation of this case was examined and in opinion doctor has given the possibility of hanging with this ligature material. But due to the certain limitation subsequent opinion regarding the hanging is not clear. However, the facts and circumstances of this case suggestive of hanging done by the complainant.

Moreover, the complainant Ms. Preeti Maurya is keep on changing her versions both before the police and in front of doctors. She deposed before the doctor tht she was given some seductive substance and then her husband tried to hang her in front of doctor in RML Hospital and in DDU Hospital she deposed that she was sleeping and her husband came from behind and he strangulated her with his bare hands. While at the very next day before the police she did not want any legal action as she has herself tried to kill by hanging with ceiling fan. But after few days she raised some serious allegations and deposed that she was sleeping and her husband came from behind and he strangulated her. Hence again the case file was discussed with senior officers who directed to finalise the case in section 498A IPC only considering the facts and circumstances of this case. The reply may please be submitted for your kind perusal and further directions.”

4. Directions of PGC

IO SI Jasbir Malik, PS Ranhola sent a request for exemption from appearance as he is suffering from Hepatitis “C” and also sent the ATR. Appearance exempted.

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The perusal of the ATR reveals that there is contradiction in the MLC and statement of the complainant before the SDM. While in Mata Chanan Devi Hospital she was admitted with alleged H/o of hanging, she alleged that her husband attempted to strangle her during enquiry by SDM.

The opinion regarding the alleged offence has been taken from HOD Mortuary, DDU Hospital and doctor has expressed possibility of hanging with the ligature material seized by police. However, the subsequent opinion regarding the hanging is not clear.

Considering the conflicting views/statement of witnesses, the police to conclude investigation based on the report/recommendations of enquiry conducted by SDM and other material evidence/oral evidence of doctors/professionals and other independent witnesses.

The Commission's intervention is no more required in the matter, hence closed.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to:

1. The Special Commissioner of Police (Vigilance), Delhi Police, PS Barakhamba Road, New Delhi.
2. The Dy. Commissioner of Police (District Outer), Office of the Dy. Commissioner of Police, Pushpanjali Enclave, Pitampura, Delhi-110034.
3. SHO/Ranholi, Police Station Ranholi, Delhi
4. Ms. Preeti