

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: 15th May, 2018

Complainant : Shri Devender Kumar
Respondent : Special Commissioner of Police
Delhi Police (Vigilance),
PS Barakhamba Road, New Delhi

Grievance No. : PGC/2017/DP/328
Grievance filed on : 28/11/2017
First hearing in the PGC : 20/2/2018
Scheduled on

1. Brief facts of the complaint

The complainant has filed a complaint of inaction against police on his complaint at NO. 100 on 15.10.2017 regarding subjecting her 8 years old daughter of bad touching on the intervening night of 25/16 July, 2017. He has stated that he was implicated in a false case and sent to Tihar Jail. When he came out, he found his 8 years old daughter disturbed. She complained him of bad touching by unknown persons during the night of 25/26th July, 2017 and 26th July, 2017 afternoon. After confirming by the counselors of NCPCR that something bad happened with the child, he reported the matter on 15.10.2017 but no action has been taken yet.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 23rd February, 2018, the second hearing held on 27th March, 2018, the third hearing held on 17th April, 2018 and the fourth hearing held on 15th May, 2018, when the following were present:-

Complainant : Not Present
Respondent : Inspector Amit Kumar, SHO/PS Bindapur
SI Mukesh Kumar, PS Bindapur

3 Relevant facts emerging during the hearing

An ATR has been filed by SHO/PS Bindapur stating the following :-

- i. In this regard, it is submitted that on dated 18.10.2017, a PCR call was received at PS Bindapur vide DD NO. 67A in which it was mentioned that daughter of caller namely Paloma, age-8 years, has been molested. Initially the PCR call was marked to SI Mukesh Kumar but since the call was related to molestation of a child hence inquiry/necessary action of the same

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was entrusted to ASI Gayatri who alongwith NGO Sanju reached at the place of the incident/spot i.e. H. NO. F-32, 1st Floor, Arya Samaj Road, Uttam Nagar, New Delhi where caller Devender Kumar gave a written complaint in which it was alleged that his daughter, who is 8 years old, told him that she was sexually molested by unknown persons during night of 25/26.7.2017. When ASI Gayatri alongwith NGO reached the spot, the victim Paloma was not nervous and answered all questions asked by the ASI Gayatri and NGO in a normal way. On enquiry, it was revealed that caller Devender Kumar is a resident of Village/post Kanjhawala, Outer District, New Delhi. On 27.7.2017, the complainant /caller Devender Kumar had been arrested in case FIR No. 323/17, u/s 411 IPC & 25/54/59 Arms Act, PS Vasant Vihar, New Delhi by AATS/Vasant Vihar. Five stolen vehicles and one illegal pistol alongwith two live cartridges had been recovered from the possession of caller/accused Devender Kumar. Complainant Devender Kumar was also found to be involved in thirteen different cases. Complainant /Caller was sent to JC and was released on bail on 8.9.2017.

- ii. After hearing the said complaint, PGC passed an order on 8.3.2018 which is as follows “ as per the complaint of the complainant, two lady counselors visited from NCPCR and Delhi Mahila Ayog and told him that something bad has happened with the child. As per the statement recorded, the girl child, 8 years old, has been subjected to unwanted contact/touch by the persons who had visited and apprehended the complainant. The police should have initiated action in the matter, if the same is supported by the police and counselors of NCPCR and Delhi Mahila Ayog who had interacted with the child in the matter.”
- iii. On 27.3.2018, the said matter was attended and the next date of hearing was fixed as 17.4.2018.
- iv. It is further submitted that on 17.4.2018, the matter was attended and some more time was sought for conclusion of the enquiry. The next date of hearing was fixed for 15.5.2018.
- v. During the course of inquiry, the school of victim Paloma i.e. KR Manglam World School, Vikaspuri, New Delhi was visited and as per school record, victim continuously attended the school in the month of July-August 2017 and she had neither reported any incident to her

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class teacher nor to any other counselors/school administrator. As per school record, address of student Paloma and her parents was found H.No. H-3/161, 2nd Floor, Vikaspuri, New Delhi. The report of the school is attached herewith (A-I)

- vi. Regarding the report of two lady counselors from NCPCR and Delhi Mahila Ayog, it is clarified that neither complainant nor any counselor produced any such report before the enquiry officer during the course of enquiry. On enquiry from NCPCR, they replied that “ Presently, no such complaint of Shri Devender Kumar and counseling report of his daughter Paloma has been found in available record.” Enquiry was also conducted from the office of Hon’ble Chairperson, DCW and copy of the report has been obtained. As per the record, a counselor had visited her house on 16.10.2017. She was found cool and on interaction she informed that her father is in problem related to his business. For the same reason, some people had visited their house on 24/25-07-2017 and they behaved rudely with her mother but she was not available. Her family members informed that they will again call the counselor on her arrival. They were not able to ascertain her problem and the case was closed. The report of NCPCR and DCW are attached herewith (A-2).
- vii. During the course of further enquiry, house of complainant i.e. F-32, 1st Floor, Arya Samaj Road, Uttam Nagar, New Delhi was visited several times to record the statement of mother of victim Paloma, but it was always found locked. When she was contacted on phone, she did not cooperate in the enquiry. On dated 2.5.2018, W/ASI Gayatri visited the above mentioned address i.e. F-32, 1st Floor, Arya Samaj Road, Uttam Nagar, to record the statement of mother of victim Paloma, but it was always found locked. When she was contacted on phone, she did not cooperate in the enquiry. On dated 2.5.2018, W/ASI Gayatri visited the above mentioned address i.e. F-32, 1st Floor, Arya Samaj Road, Uttam Nagar, New Delhi to record the statement of mother of victim Smt. Parul but again the house was found locked. Hence, notice to join enquiry was pasted on the main gate of the above said house. In this regard DD No. 53B, dated 16.4.2018, DD NO. 66A, dated 27.4.2018 and DD No. 45B & 56B dated 2.5.2018 has also been lodged in PS Bindapur. All DD entries are attached herewith.(A-3).

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viii. It is worth mentioning here that upon enquiry from School, the mobile number of mother of victim Paloma was found as 9810421176 and CDR of the same has been obtained. As per CDR, location of the mother of victim Paloma was found at Kanjhawala, New Delhi during the night of 25/26.7.2017 i.e. alleged date and time of incident. The presence of minor daughter i.e. the victim Paloma without her mother at the purported place of occurrence is very much doubtful. The story of the complainant also become false as he has mentioned that the person visiting his house has also misbehaved with his daughter as well as with his wife.(A-4).

ix. It is also pertinent to mention here that the complainant Shri Devender Kumar had earlier also filed a complaint before Honble PGC vide grievance number PGC/2017/DP/286 stating that Delhi Police personnel in plain clothes abducted him near Ambadeep/HDFC building, K.G. 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 tht 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 along with 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. Reply in the said matter was filed by Inspector Richhpal Singh on behalf of AATS/South District. After completion of proceeding/hearing in the PGC, the Hon'ble Commission decided to close the said matter of South District with a speaking order. The order of Hon'ble PGC is attached for kind perusal. It is not out of place to mention here that in the complaint filed vide No. PGC/2017/DP/286 e-mailed by Devender Kumar on 23.9.2017 and after proper hearing the same was closed on 13.3.2018. In the complaint Devender Kumar has not leveled any allegations regarding bad touching of his 8 years old daughter by raiding police personnel. (A-5) and (A-6).

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- x. He has concocted these allegations i.e. bad touching of his minor daughter after much deliberations and thought and moved a fresh complaint to PGC on 16.11.2017 i.e. almost after two months. This shows malafide intention on the part of complainant Devender Kumar who is not willing to leave any opportunity to mount undue pressure on police officials so tht no one dares to take any action against his nefarious criminal activities. All the aforesaid allegations leveled by the complainant Devender Kumar are wrong, false, mischievous, incorrect and motivated.”

4. Directions of PGC

The complainant is not present despite of specific direction of the Commission vide order dated 23.4.2018.

SHO/Bindapur is present and explained the facts of the case stating that the complainant was an auto lifter claiming false insurance claims and was also found involved in thirteen different cases . He further stated that the present complaint was lodged just to mount pressure on the local police to desist taking action against his nefarious activities. He also stated that the complainant had alleged that the police men had misbehaved with the child as well as with her mother. Whereas, the CDR analysis revealed that the child's mother was not present at the alleged place of incident but her location during the alleged time was reported to be at Kanjhawala. Apart from this, SHO also brought into the notice of the Commission the report of the school of the child in which her behavior has been stated to be unchanged.

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. SHO/PS Bindapur, Police Station Bindapur, Delhi**
- 3. Shri Devender Kumar**

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