

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: 29th May, 2018

Complainant : Ms. Purnima Uppal

Respondent : Special Commissioner of Police
(Vigilance), Delhi Police, Delhi Police
Headquarter, I.P. Estate, New Delhi.

Grievance No. : PGC/2016/DP/139

Grievance filed on : 17/05/2016

First hearing in the PGC : 22/06/2016
held on

1. Brief facts of the complaint

The complainant has stated that Ms. Deepa Arya and Kusum Arya, both r/o 3/5, Rani Jhansi Road, Delhi had made intentionally false statement before the SR-II, Asaf Ali Road, Delhi in order to get the gift deed registered in respect of property N. 3/5, Rani Jhansi Road, Delhi. She has further stated that accused persons Ms. Deepa Arya, Kusum Arya, Shri Lalit Puri, Shri Rajesh and their abettor Shri Jagat Singh @ Jaggu are influential persons but they have committed serious crime under various laws and they are tampering with material evidence. She further alleged that the accused persons are threatening the witnesses and laptop from which false valuation report and gift deed were fabricated, need to be recovered. The complainant has requested for the arrest of the accused persons and addition of section 181/193/120-B/420/467/468/474/423/199/IPC in the said case.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 22nd June, 2016, the second hearing on 27th July, 2016, the third hearing on 14th September, 2016, the fourth hearing on 26th October, 2016, the fifth hearing on 4th January, 2017, the sixth hearing on 15th March, 2017, the seventh hearing on 7th June, 2017, the eighth hearing held on 9th August, 2017, the ninth hearing held on 11th October, 2017, the 10th hearing held on 15th November, 2017, the eleventh hearing held on 10th January, 2018, the twelfth hearing held on 7th March, 2018, the thirteenth hearing held on 11th April, 2018, the fourteenth hearing held on 29th May, 2018, when the following were present:

Complainant : Not Present

Respondent : SI Ajay Kumar, PS S.J. Enclave
SI Avdesh Dixit, PS Saket
Inspector Sanjay, PS Saket
Inspector Pramod, Special Cell/NDR
SI Vivek, Special Cell/NDR
Shri Pancham Chand, ACP/HQ/South District

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3.Relevant facts emerging during the hearing

An ATR has been filed by Deputy Commissioner of Police/Special Cell, stating the following :-

It is submitted that a case vide FIR NO. 694/15 u/s 81/82 Registration Act 1908, 420/468/471/193/199/120B IPC PS Daryaganj, New Delhi, was registered on 28.9.2015. The case was registered on a complaint dated 18.9.2015 received from Shri Raj Pal, SR-III, Asaf Ali Road, Darya Ganj, Dehi in which it was alleged that Smt. Kusum Arya, Deepa Arya, Lalit Puri, Rajesh and others had got registered a Gift Deed in respect of property No. 3/5 ,Rani Jhasni Road, Delhi by intentionally making false statement and misrepresentation. The said property was a lease hold property, whereas, it was shown in the documents as to be a freehold property and that the value of the property as shown in valuation document is also undervalued. The said gift deed was got registered by executants Smt. Kusum Arya in favour of her daughter Ms. Depa Arya.

The investigation in the present case is pending with the SIT /Special Cell. The matter in the present case is related to the government authority. However, certain documents are awaited from the Registrar Office who is the complainant in this case. The investigation of the case would be finalized after receiving the documents. Writ Petition © No. 871/2018 Court on its Motion Vs. Commissioner of Police is also listed for hearing before the Hon'ble Division Bench of Hon'ble Acting Chief Justice and Hon'ble Mr. Justice C. Hari Shankar. The last date of hearing was 21.5.2018. During the course of arguments, cases registered against Ms. Deepa Arya were also perused by the Hon'ble Division Bench. The next date of hearing is now fixed for 18.7.2018.

It is pertinent to mention here that the SIT has taken a fresh view on all the other cases which were earlier being investigated by other units or are pending investigation before SIT and has been found that dispute between both the parties i.e. Deepa Arya and Gaurav Goel lies in a property (built up) bearing No. 3/5 Rani Jhansi Road, New Delhi, the market value of which, as claimed , is about Rs. 50 crores. This property was in the name of Smt. Kusum Arya who is a widow. She is living with her daughter namely Ms. Deepa Arya at the said house. She has one son, Shekhar Arya, who is living in Australia with his family for the last 10 years and he is now an Australian Citizen. In the year 2014, Smt. Kusum Arya executed a WILL and a Registered Gift Deed in favour of Ms. Deepa Arya in respect of the above said

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property. Shekhar Arya claims 1/4th share in the said property. One Sidharth Mohan Goel is the real brother of Smt. Kusum Arya who has one daughter Purnima Uppal w/o Brijesh Uppal and one son Gaurav Goel. Gaurav Goel claims to be the power of attorney holder of Shekhar Arya in respect of the above said property. Deepa Arya and her mother have filed a Civil Suit NO. CS (OS) No. 357/2015 against Shekhar Arya and Gaurav Goel seeking declaration and permanent injunction against them, before this Hon'ble Court. This Hon'ble court was pleased to grant ad interim ex-parte relief to them directing to maintain status quo with regard to the title and possession of the said suit property. Despite the Court's order, Gaurav Goel and his sister Purnima Uppal have allegedly made several attempts to take possession of the said property by threatening Deepa Arya and her mother Smt. Kusum Arya. It is a matter of record that in a span of the last 3 years, a number of criminal cases have been registered against Ms. Deepa Arya, her friends and advocates defending her in various courts. Out of these cases, barring few cases, all other cases were got registered by Gaurav Goel, Purnima Uppal, Brijesh Uppal, Shekhar Arya and Siddharth Mohan Goel against Ms. Deepa Arya. It is noteworthy to mention that before this property was gifted to Ms. Deepa Arya by her mother in 2014, there were no criminal cases against her. Her criminal antecedents were absolutely clear. This in itself reflects the malafide intent of Purnima Uppal, Gaurav Goel, Sidharth Mohan Goel and Brijesh Uppal.

It is worth mentioning that the complaint filed by Purnima Uppal pertaining to present case i.e. case FIR No. 694/15 u/s 81/82 Registration Act 1908, 420/468/471/193/199/120B IPC PS Daryaganj, New Delhi.

The matter is being investigated by SIT and is being monitored by Hon'ble Division Bench of Delhi High Court. Status reports are being filed on each and every date of hearing before the Hon'ble Division Bench.

Complainant in the case is Sub-Registrar IIIL, Asaf Ali road, Darya Ganj, Delhi.

Smt. Purnima Uppal or her husband are in no way connected to the property in question and as such Purnima Uppal does not have any locus stand to be heard as complainant in this case because this case is between the SR-III Versus Deepa Arya and others.

It is, therefore, requested to file the present complaint as it is made by Smt. Purnima Uppal with ulterior motive and malafide intent."

Another ATR has been filed by SI Avdhesh Dixit, PS Saket stating the following :-

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During the course of investigation, CCTV Footage of the incident was checked but the place of occurrence is not covered by CCTV cameras. Site plan of the incident was prepared on the instance of the complainant and search of accused person was made out but no clue was found. On 22.6.2017, alleged Deepa Arya was interrogated at her residence at 3/5 Rani Jhansi Road, Paharganj, Delhi. During investigation, Ms. Deepa Arya submitted that on 5.5.2017 she went to Saket Court to attend the court as it was the date of decision of her another case. She did not see Ms. Purnima d/o Siddharth or her car at Saket Court complex. Further, she did not co-operate in the investigation of the case.

Later on, the statement u/s 161 Cr.P.C. of Siddharth M Goel r/o H.NO. V-II, Green Park, New Delhi, father of the complainant, was also recorded who supported version of the FIR. The complainant has further alleged that several documents like certified copy of bail application in FIR No. 463/15 PS Subzi Mandi, Police report to PS Safdarjung Enclave and two cheques of ICICI bank bearing NO. 891878 and 891879 were also kept in the file which was stolen from the car.

On 6.9.2017, the alleged Deepa Arya filed an application for grant of anticipatory bail in the Hon'ble Court of District and Session Judge which was dismissed by the Hon'ble Court of Ld. ASJ/Spl.Court South Saket Courts on 28.10.2017.

On 29.9.2017 the complainant Ms. Purnima Uppal has further reported in her supplementary statement that on 12.9.2017, she received a following message "**Tere Saket vle cheque ab mai use kr rhi hu agr tune report ki to ready for dire consequences.**" On her mobile number 9818312011 from mobile number 7838108282 of alleged Deepa Arya. Later on, the CDR of the alleged mobile number 7838108282 was obtained which reveals that on 12.9.2017, a message was sent from alleged mobile number 7838108282 to the mobile number of the complainant.

On dated 21.12.2017, the alleged Deepa Arya was granted interim bail by Hon'ble High Court of Delhi. Later, during course of investigation, on dated 17.2.2018, alleged mobile phone of the complainant on which the alleged message was received, was seized vide a seizure memo. The same is being sent to RFSL for expert opinion. Further, on dated 19.2.2018, the alleged Ms. Deepa Arya joined the investigation of the case but did not cooperate in the investigation of the case.

Later, on dated 22.12.2017, the alleged Deepa Arya filed a petition to quash the above mentioned case before Hon'ble Delhi High Court wherein the NDOH is listed for 18.7.2018.

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Further , on 21.3.2018, the alleged Deepa Arya was granted bail by Hon'ble Delhi High Court vide an order stating that the petitioner was granted interim protection and was directed to join the investigation as and when required. Undisputedly, the petitioner has since joined the investigation. None has appeared on behalf of the complainant to contest the bail application. Considering the facts and circumstances of the case, the bail granted by this court by order dated 21.12.2017 is confirmed on the same terms and conditions. The case is pending investigation."

4.. Directions by PGC

The case is being monitored by Hon'ble Delhi High Court and police has been directed to file a status report from time to time. The Commission, therefore, finds no reason to monitor/hear the grievance of the complainant, if any. The complainant is at liberty to present her grievance before the Hon'ble Delhi High Court as and when the matter is listed for hearing.

With the above advice, the Commission has decided to close the case in PGC.

**(SUDHIR YADAV)
MEMBER (PGC)**

Copy to :

- i. The Commissioner of Police, Delhi Police Headquarters, I.P. Estate, New Delhi
- ii. The Special Commissioner of Police (Vigilance), Delhi Police, Delhi Police Hqrs, I.P. Estate, New Delhi
- iii. The Special Commissioner of Police (Crime), Delhi Police , Delhi Police Headquarters, I.P. Estate, New Delhi.
- iv. Joint C.P. (South-Eastern Range), Police Headquarters, ITO, Delhi
- v. Joint CP/Crime, Delhi Police, Delhi Police Headquarters, I.P. Estate, New Delhi.
- vi. DCP (Central District), Police Station Darya Ganj, New Delhi
- vii. SHO/SJE, Police Station Safdurjung Enclave, New Delhi
- viii. SHO/Saket, Police Station Saket, New Delhi
- ix. Sub-Registrar-III, District Central, 4/7 Asaf Ali Road, New Delhi-110002
- x. Ms. Purnima Uppal