

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: 1st June, 2018

Complainant : Smt. Shashi

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

Grievance No. : PGC/2017/DP/25

Grievance filed on : 17/4/2018

First hearing in the PGC : 23/4/2018

Scheduled on

1. Brief facts of the complaint

The complainant has filed a complaint of inaction against Delhi Police on her complaint of rape by a police official of PCR. She has alleged that on 25.12.2017, she was dragged in the vehicle and was raped. She made a complaint at No. 100 on which she was picked by SHO/Harsh Vihar and leveled false allegations against her defending the culprit. She has also alleged that her complaints made in PS Harsh Vihar are torn/destroyed and no action is taken on them. She has requested for legal action in the matter.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 23.4.2018, the second hearing held on 7th May, 2018, the third hearing held on 21.5.2018 and the fourth hearing held on 1.6.2018, when the following were present:-

Complainant : Present

Respondent : Inspector Vigilance Sapna Duggal,
ACP Gajender Kumar, ACP/HQ/NED

3 Relevant facts emerging during the hearing

An ATR has been sent by Addl. DCP/Vigilance, PS Barakhamba Road, stating the following :-

A vigilance enquiry was conducted on the direction of Hon'ble PGC on the above said complaint and during enquiry, it was found that a PCR call was received in PS Harsh

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Vihar on 4.1.2018 at 7.55 p.m. through wireless in which a lady informed that near Harsh Vihar Police Station, a Ct. (driver) of PCR van, namely, Anil, on 25.12.2017 alongwith his three friends raped her. He contacted the complainant and reached at the spot and it was found that area of the incident came in the jurisdiction of PS Nand Nagri ; hence, he transferred the call to PS Nand Nagri.

SHO/Nand Nagri Inspector Vipin Sharma stated that he received complaint of Ct. Rajiv Tomar alleging that a lady, namely, Shashi on 18.12.2017 around 8.30 p.m. came to his PCR van stationed at Nand Nagri bus depot and requested for his mobile phone for making an urgent call. She made call to her phone from the mobile of Ct. Rajiv Tomar. After this incident, she frequently made calls on his mobile asking for friendship and insisted to stay with her. She also threatened him to implicate him in a false case of rape. She demanded Rs. 2,00,000/- from him and the Ct. gave her Rs. 10,000/- (Ten Thousand). He requested to save him from the lady, otherwise he would commit suicide. On this complaint, the case FIR No. 21/2018 u/s 384/389 IPC was registered on 4.1.2018 against the lady Shashi. On the same day, a PCR call was received at 9.45 p.m. from lady Shashi alleging rape with her by the alleged Ct. Rajiv Tomar on 25.12.2017. During enquiry, it was revealed that a case of extortion was already registered against lady Shashi in the PS Nand Nagri. She was arrested in this case on 5.1.2018 at 4.50 p.m. and was sent to JC after her medical examination.

During enquiry call details (CDRs) phone numbers of the complainant and alleged Ct. Rajiv Tomar were obtained for the period from 15.12.2017 to 15.1.2018. From the analysis of the call details it has been found that between 25.12.2017 to 28.12.2017, total 20 calls were made by Ct. Rajiv Tomar on the phone of the complainant, on the other hand, there is no call from the phone of the complainant on the phone of alleged Ct. Rajiv tomar. Some very long calls were also made by the alleged Ct. Rajiv Tomar on the phone of the complainant at very odd hours on 25.12.2017 and 27.12.2017. From the analysis of the CDRs, whole story of Ct. Rajiv Tomar appears to be bogus as stated by him in his complaint on which the case was registered in a very hasty manner by SHO Inspr. Vipin Sharma of PS Nand Nagri. There are total 23 calls from the side of alleged Ct. Rajiv Tomar on the phone of the complainant. The complainant made only 2 calls from her phone on to the phone of the alleged Ct. Rajiv Tomar . Ist call is of 2.1.2018 of duration 0 seconds, and 2nd call of duration 68 seconds was made just before the complainant called on 100. From CDRs analysis of the alleged Ct. Rajiv Tomar, it has also been found that the location of his phone from 9 AM on 25.12.2017 to 7.02 p.m. on 25.12.2017 is in UP West. After

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7.02 p.m. there is no call on the phone alleged Ct. Rajiv Tomar till next day, i.e. on 26.12.2017 upto 6.05 a.m. It is not that where the alleged Ct. Rajiv Tomar was in between . Distance of his village, i.e. Shahpur Barauli, Distt. Baghpat is hardly 44 kilometer from Nand Nagri. Further, the base of the PCR van on which the alleged Ct. Rajiv Tomar is posted is very close to the PS Nand Nagri, hence, it could not be found out that at which time he approached the police officers on 4.1.2018 for filing a complaint against the complainant.

In the light of above facts, it has been found that the story on which the case was registered against the complainant appears to be bogus in view of the analysis of the CDRs of the alleged Ct. Rajiv Tomar. The case against the complainant was registered in haste without verification of the facts against the complainant. Action of arrest was also taken in haste. Further, nothing was done on the complaint of rape of the complainant and it was filed on the pretext that a case of extortion was already registered against her. It was not a very sound ground to file such a serious call.

In view of the above, worthy CP/Delhi has approved the following action against the following officers :-

1. "Regular departmental enquiry is instituted against (i) Inspr. Vipin Sharma, SHO/Nand Nagri. (ii) SI Manoj Kumar, NO. D-5358, (iii) ASI Jai Prakash, No. 355/NE and (iv) ASI Devi Ram, No. 2126/NE for their acts of Commission and omission. They are posted to District Lines and would be transferred to a non-sensitive unit.
2. Ct. Rajiv tomar, No. 7515/PCR is placed under suspension and a regular DE is instituted against him separately.
3. Investigation of case FIR No. 21/2018, dated 4.1.2018 u/s 384/389 IPC, PS Nand Nagri is transferred to DIU/North East and it is to be carried out under the close supervision of Addl. DCP-II/NE."

Furthermore, the complaint of the complainant about commission of rape by alleged Ct. Rajiv Tomar is also looked into afresh for needful action."

4. **Directions of PGC**

As per the ATR of Vigilance, it has been concluded by Vigilance that the case registered against

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complainant appears to be bogus and on the other hand, no action was taken on the complaint of the complainant and the same was filed in a hurried manner though the allegations were of serious nature.

Considering the above facts, prima-facie, it appears that SHO/Harsh Vihar fabricated the false evidence, made fake charge of offence with the intent to injure the complainant. The acts and omissions of the SHO also amounts to harbouring the offender. Hence, the directions are issued as under :-

***DCP (North-East) to examine and take appropriate criminal action against SHO and others for the above acts and omissions.**

***DCP (North-East) is directed to take appropriate action on the complaint of rape filed by the present complainant against Constable Rajiv Tomar**

With the above advice, the Commission has decided to close the case in PGC. However, further proceedings in the case shall be taken up in Police Complaints Authority (PCA)

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

Copy to:

1. The Special Commissioner of Police (Vigilance), Delhi Police, PS Barakhamba Road, New Delhi 110001.
2. The Deputy Commissioner of Police (District North East), Police Station Seelampur, Delhi-110053.
3. Dy. Secretary, PCA, M-Block, Vikas Bhawan, Delhi
3. Smt. Shashi