IN THE HIGH COURTOF DELHIAT NEW DELHI

% **Judgment reserved on : 16.12.2025**
Judgment pronounced on :24.12.2025

\+ **W.P.(CRL) 2004/2025 & CRL.M.A. 18706/2025**

TRIVENI .....Petitioner

versus

HOME DEPARTMENT GOVT. OF NCT OF DELHI .....Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Shivam & Mr. Salman Naushad, Advs.

For the Respondent : Mr. Sanjeev Bhandari, ASC for the State
SI Sunil Chandra, PS- Ambedkar Nagar

CORAM
HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present writ petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**'), assailing the order dated 08.05.2025, whereby the Petitioner's application seeking sanction for prosecution under Section 197 of the Code of Criminal Procedure 1973 ('**CrPC**') against certain police officials, has been rejected by the Respondent authority.

2. It is the case of the Petitioner that she and her family

members have been subjected to harassment and false implication in FIR bearing No. 678/2014 registered at Police Station Ambedkar Nagar, due to collusion between police officials and an illegal occupant of the Petitioner's property. The said criminal proceedings culminated in acquittal of her husband, which was subsequently upheld by the Appellate court.

3. It is stated that after the acquittal of her husband, liberty was granted by the learned Special Judge to pursue appropriate remedies in accordance with law. Pursuant thereto, the Petitioner submitted an application dated 06.04.2023 before Respondent authority, seeking sanction for prosecution under Section 197 CrPC against ASI Satvir Singh, W/Ct. Poonam and Inspector Pankaj Malik (then SHO, PS Ambedkar Nagar), alleging misuse of official position in connection with the aforesaid FIR.

4. The allegations in the application are summarized as under:

a) One Sakib and other persons, who have a shop on the ground floor of the Petitioner's premises, have been using the shop for gambling drinking and hazardous work and even anti-social elements gather.

b) Despite several complaints against Sakib, dated 30.07.2013, 24.11.2013, 11.02.2014 and 20.02.2014 to the Pollution Control Board and SDMC and SHO of the concerned Police Station, no action was taken.

c) On 24.03.2014, Sakib attempted to outrage the modesty of the complainant, however, no action was taken on the

complaint made to SHO PS Ambedkar Nagar.

d) On 27.07.2014, while she was present in her balcony, Shakib abused her using vulgar gestures and language, and despite approaching the SHO, no action was taken, whereafter she approached the Public Grievances Cell and an FIR No. 494/2014 dated 27.07.2014 under Section 354/506/502 of the IPC, was registered against Shakib, though the SHO showed no sense of responsibility.

e) On 03.09.2014, the wife of Shakib, her sister Aaliya, his mother-in-law, other women and Shakib's servant Sarfraz came to the house of the complainant, abused her and her husband using filthy language, and threatened to kill her and her family members for lodging an FIR against Shakib. Though she made a call to 100 number on 03.09.2014 and DD Entry No. 72-B was recorded, but the police officials of PS Ambedkar Nagar *malafidely* proceeded against her, made her husband an accused, and registered FIR No. 678/2014 for molesting Aaliya, on the basis of the same DD entry, allegedly in connivance with Shakib.

f) The statement of Aaliya was recorded by IO/ASI Satvir Singh, which was attested by W/Ct. Poonam dated 29.09.2014. However, from reply of her RTI, it emerges that W/Ct. Poonam was on leave on 29.09.2014 and resumed duty on 30.09.2014.

g) When the accused persons moved a bail application in FIR No. 494/2014, the Investigating Officer failed to inform her about the bail proceedings, thereby denying her an opportunity of

being heard, despite departmental circulars mandating such intimation.

h) On 30.09.2014, Shakib and others again gathered outside her premises, abused and threatened her and her husband, and despite calls made to 100 number, neither the PCR nor police officials reached the spot.

i) When she approached the ASI Satvir Singh as well as the SHO Ambekar Nagar, Pankaj Malik, they misbehaved with her, used abusive language, threatened to frame her and her children in false cases and also demanded illegal gratification of Rs. 50,000/-.

j) She filed an application under Section 156(3) CrPC read with Section 200 CrPC on 03.09.2016 against Shakib and the concerned police officials for registration of FIR. The case/application was transferred to Special Judge (PC Act) (ACB) Rouse Avenue Court, New Delhi.

5. The aforementioned application remained pending for want of sanction and aggrieved thereby, the Petitioner approached this Court by way of W.P.(CRL.) 410/2025 seeking a direction to the Respondent to decide the application seeking sanction.

6. *Vide* order dated 18.02.2025, this Court directed the Respondents to take a decision on the Petitioner's application dated 06.04.2023.

7. In compliance thereof, the Respondent passed the impugned order dated 08.05.2025, declining the request for prosecution sanction,

by observing that the competent authority had gone through the material on record and *prima facie* no cogent material has been placed on record to justify grant of prosecution sanction against the public servants.

8. The learned counsel for the Petitioner submits that the impugned order dated 08.05.2025 is liable to be interfered with as the same has been passed without assigning reasons and does not reflect due consideration of the material placed by the Petitioner along with her application dated 06.04.2023.

9. It is thus, prayed that the Respondent be directed to consider the Petitioner's application afresh and pass a speaking and a reasoned order.

10. *Per contra*, learned Additional Standing Counsel appearing for the State submits that the Petitioner's application was duly examined by the competent authority and that the departmental record, including the relevant file notings and the comments furnished, clearly reflects due application of mind. It is contended that the impugned order has been passed after considering the material placed on record and, therefore, the present writ petition is devoid of merit and liable to be dismissed.

11. This Court had called for perusal of the relevant record. The concerned file was thereafter handed over to the Court.

12. Submissions heard and the relevant record was thus perused.

13. At this juncture, it would be beneficial to understand the underlying framework of Section 197 of the CrPC, which reads as

under: -

> *"**197. Prosecution of Judges and public servants.—(**1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction [save as otherwise provided in the Lokpal and Lokayuktas Act, 2013 (1 of 2014)]—*
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> *(a) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union, of the Central Government;*
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> *(b) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of a State, of the State Government:*
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> *[Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression "State Government" occurring therein, the expression "Central Government" were substituted.]*
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> *[Explanation.—For the removal of doubts it is hereby declared that no sanction shall be required in case of a public servant accused of any offence alleged to have been committed under section 166A, section 166B, section 354, section 354A, section 354B, section 354C, section 354D, section 370, section 375, 3 [section 376A, section 376AB, section 376C, section 376D, section 376DA, section 376DB] or section 509 of the Indian Penal Code (45 of 1860).]*
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> *(2) No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central Government.*

(3) The State Government may, by notification, direct that the provisions of sub-section (2) shall apply to such class or category of the members of the Forces charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section will apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted. 4 [(3A) Notwithstanding anything contained in sub-section (3), no court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.

(3B) Notwithstanding anything to the contrary contained in this Code or any other law, it is hereby declared that any sanction accorded by the State Government or any cognizance taken by a court upon such sanction, during the period commencing on the 20th day of August, 1991 and ending with the date immediately preceding the date on which the Code of Criminal Procedure (Amendment) Act, 1991 (43 of 1991), receives the assent of the President, with respect to an offence alleged to have been committed during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in the State, shall be invalid and it shall be competent for the Central Government in such matter to accord sanction and for the court to take cognizance thereon.]

(4) The Central Government or the State Government, as the case may be, may determine the person by whom, the manner in which, and the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held. "

14. Section 197 of the CrPC, essentially provides that no court shall take cognizance of an offence alleged to have been committed by a public servant, who is not removable from office except with the sanction of the government, while acting or purporting to act in the discharge of official duties, unless prior sanction of the appropriate government is obtained. The object of this provision is to afford reasonable protection to public servants against frivolous, vexatious, or ill-motivated prosecutions for acts done in the course of official functions, thereby enabling them to discharge their duties independently, fearlessly, and efficiently, without undermining accountability in genuine cases.

15. Recently, in ***G.C. Manjunath v. Seetaram*, (2025) 5 SCC 390 : 2025 SCC OnLine SC,** the Hon'ble Apex Court, while discussing the object of section 197 of the CrPC, has reiterated that the provision is intended to protect public servants from vexatious prosecution for acts having a reasonable nexus with the discharge of official duties, even where such acts may involve excess or overreach and it was observed as under: -

> ***"34.*** *A careful reading of Section 197CrPC unequivocally delineates a statutory bar on the Court's jurisdiction to take cognizance of offences alleged against public servants, save without the prior sanction of the appropriate Government.* ***The essential precondition for the applicability of this provision is that the alleged offence must have been committed by the public servant while acting in the discharge of, or purported discharge of, their official duties……..…***
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> ***35. Both the aforesaid provisions serve a similar protective function****. While Section 170 of the Police Act*

mandates prior sanction for prosecuting a public official for "acts done under colour of, or in excess of, such duty or authority", Section 197CrPC requires prior sanction where a public official is accused of having committed "any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty". ***The underlying rationale of both these statutory provisions is to safeguard public functionaries from frivolous or vexatious prosecution for actions undertaken in good faith in the discharge of, or purported discharge of, their official duties, thereby ensuring that the fear of litigation does not impede the efficient functioning of public administration.***

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37. *This Court in Amod Kumar Kanth v. Assn. of Victim of Uphaar Tragedy [Amod Kumar Kanth v. Assn. of Victim of Uphaar Tragedy, (2023) 16 SCC 239] held that* ***the State performs its obligations through its officers/public servants and every function performed by a public servant is ultimately aimed at achieving public welfare. Often, their roles involve a degree of discretion****. But the exercise of such discretion cannot be separated from the circumstances and timing in which it is exercised or, in cases of omission, when the omission occurs. In such circumstances, the courts must address, whether the officer was acting in the discharge of official duties. It was observed that even when an officer acts under the purported exercise of official powers, they are entitled to protection under Section 197CrPC.* ***This protection exists for a valid reason so that the public servants can perform their duties fearlessly, without constant apprehension of legal action, as long as they act in good faith. While Section 197CrPC does not explicitly mention the requirement of good faith, such a condition is implied and is expressly included in several other statutes that offer protection to public servants from civil and criminal liability.***

38. *While dealing with the provisions of Section 197CrPC, read with Section 170 of the Police Act, this Court in D. Devaraja [D. Devaraja v. Owais Sabeer Hussain, (2020) 7 SCC 695 : (2020) 3 SCC (Cri) 442] observed that not every offence committed by a police officer automatically gets this protection. The safeguard under Section 197CrPC and Section 170 of the Police Act is limited. It applies only if the alleged act is reasonably connected to the officer's official duties. The law does not offer protection if the official role is used as a mere excuse to commit wrongful acts. However, it was held that the protection of prior sanction will be available when there is a reasonable connection between the act and their duty.* ***While enunciating when the protection of prior sanction will be applicable, this Court held that even if a police officer exceeds his official powers, as long as there is a reasonable connection between the act and his duty, they are still entitled to the protection requiring prior sanction. Excessiveness alone does not strip them of this safeguard.*** *The language of both Section 197CrPC and Section 170 of the Police Act is clear that sanction is required not only for acts done in the discharge of official duty as well as for the acts purported to be done in the discharge of official duty and/or acts done "under colour of or in excess of such duty or authority". Sanction becomes mandatory if there is a reasonable connection between the act and the officer's official duties, even if the officer acted improperly or exceeded his authority. Therefore, if a complaint against a police officer involves actions reasonably related to his official role, the Court cannot take cognizance unless sanction from the appropriate Government has been obtained under Section 197CrPC and Section 170 of the Police Act.*

39. *The relevant portion from the abovementioned judgment is as follows : (SCC pp. 719-20, paras 66-70)*

> *"66. Sanction of the Government,* ***to prosecute a police officer, for any act related to the discharge of an official duty, is imperative to protect the***

police officer from facing harassive, retaliatory, revengeful and frivolous proceedings. The requirement of sanction from the Government, to prosecute would give an upright police officer the confidence to discharge his official duties efficiently, without fear of vindictive retaliation by initiation of criminal action, from which he would be protected under Section 197 of the Code of Criminal Procedure, read with Section 170 of the Karnataka Police Act. *At the same time, if the policeman has committed a wrong, which constitutes a criminal offence and renders him liable for prosecution, he can be prosecuted with sanction from the appropriate Government.*

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68. If in doing an official duty a policeman has acted in excess of duty, but there is a reasonable connection between the act and the performance of the official duty, the fact that the act alleged is in excess of duty will not be ground enough to deprive the policeman of ***the protection of the government sanction for initiation of criminal action against him.***

69. The language and tenor of Section 197 of the Code of Criminal Procedure and Section 170 of the Karnataka Police Act makes it absolutely clear that sanction is required not only for acts done in discharge of official duty, it is also required for an act purported to be done in discharge of official duty and/or act done under colour of or in excess of such duty or authority.

70. To decide whether sanction is necessary, the test is whether the act is totally unconnected with official duty or whether there is a reasonable connection with the official duty. In the case of an act of a policeman or any other public servant unconnected with the official duty there can be no question of sanction. However, if the act alleged against a policeman is reasonably connected with discharge of his official duty, it does not matter if

> *the policeman has exceeded the scope of his powers and/or acted beyond the four corners of the law."*
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> ***40.*** *Recently, this Court in Gurmeet Kaur v. Devender Gupta [Gurmeet Kaur v. Devender Gupta, (2025) 5 SCC 481 : 2024 SCC OnLine SC 3761] dealt with the object and purpose of Section 197CrPC which reads as follows : (SCC paras 25-26)*
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> *"25. … **the object and purpose of the said provision is to protect officers and officials of the State from unjustified criminal prosecution while they discharge their duties within the scope and ambit of their powers entrusted to them.** A reading of Section 197CrPC would indicate that there is a bar for a Court to take cognizance of such offences which are mentioned in the said provision except with the previous sanction of the appropriate Government when the allegations are made against, inter alia, a public servant……""*
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> *(emphasis supplied)*

16. Hence, it is no more *res-intgra* that sanction under Section 197 CrPC is not an empty formality, but a statutory protection afforded to public servants to enable them to discharge their official functions without fear of vexatious or frivolous prosecution.

17. Pertinently, the decision whether or not to grant sanction lies within the exclusive domain of the competent authority, which is required to assess whether the acts complained of bear a reasonable nexus with discharge of official duty and whether the material placed before it justifies prosecution. Similar observations have been made by the Hon'ble Supreme Court in ***State of Maharashtra v. Mahesh G. Jain,*****(2013) 8 SCC 119,** which are as under: -

"6. *Grant of sanction is irrefragably a sacrosanct act and is intended to provide safeguard to a public servant against frivolous and vexatious litigations. Satisfaction of the sanctioning authority is essential to validate an order granting sanction.*

9. *In Supt. of Police (CBI) v. Deepak Chowdhary [(1995) 6 SCC 225 : 1995 SCC (Cri) 1095] it has been ruled that : (SCC p. 226, para 5)*

*"5.… **The grant of sanction is only an administrative function,** though it is true that the accused may be saddled with the liability to be prosecuted in a court of law. **What is material at that time is that the necessary facts collected during investigation constituting the offence have to be placed before the sanctioning authority and it has to consider the material**. **Prima facie, the authority is required to reach the satisfaction that the relevant facts would constitute the offence and then either grant or refuse to grant sanction**."*

10. *In C.S. Krishnamurthy v. State of Karnataka [(2005) 4 SCC 81 : 2005 SCC (Cri) 923] it has been held as follows : (SCC p. 87, para 9)*

*"9.… sanction order should speak for itself and in case the facts do not so appear, **it should be proved by leading evidence that all the particulars were placed before the sanctioning authority for due application of mind.** In case the sanction speaks for itself **then the satisfaction of the sanctioning authority is apparent by reading the order."***

11. *In R. Sundararajan v. State [(2006) 12 SCC 749 : (2007) 2 SCC (Cri) 563] , while dealing with the validity of the order of sanction, the two learned Judges have expressed thus : (SCC p. 752, para 14)*

*"14.… it may be mentioned that **we cannot look into the adequacy or inadequacy of the material before the sanctioning authority and we cannot sit as a court of appeal over the sanction order**. The*

order granting sanction shows that all the available materials were placed before the sanctioning authority who considered the same in great detail. Only because some of the said materials could not be proved, the same by itself, in our opinion, would not vitiate the order of sanction. In fact in this case there was abundant material before the sanctioning authority, and hence we do not agree that the sanction order was in any way vitiated."

12. *In State of Karnataka v. Ameerjan [(2007) 11 SCC 273 : (2008) 1 SCC (Cri) 130] it has been opined that : (SCC p. 277, para 9)*

*"9. … **an order of sanction should not be construed in a pedantic manner**. **But, it is also well settled that the purpose for which an order of sanction is required to be passed should always be borne in mind. Ordinarily, the sanctioning authority is the best person to judge as to whether the public servant concerned should receive the protection under the Act by refusing to accord sanction for his prosecution or not**."*

13. *In Kootha Perumal v. State [(2011) 1 SCC 491 : (2011) 1 SCC (Cri) 418 : (2011) 2 SCC (L&S) 657]* ***it has been opined that the sanctioning authority when grants sanction on an examination of the statements of the witnesses as also the material on record, it can safely be concluded that the sanctioning authority has duly recorded its satisfaction and, therefore, the sanction order is valid.***

This extract is taken from State of Maharashtra v. Mahesh G. Jain, (2013) 8 SCC 119 : (2014) 1 SCC (Cri) 515 : (2014) 1 SCC (L&S) 85 : 2013 SCC OnLine SC 487 at page 126

14. *From the aforesaid authorities the following principles can be culled out:*

14.1. *It is incumbent on the prosecution to prove that the valid sanction has been granted by the sanctioning authority after being satisfied that a case for sanction has been made out.*

14.2. *The sanction order may expressly show that the sanctioning authority has perused the material placed before it and, after consideration of the circumstances, has granted sanction for prosecution.*

14.3. The prosecution may prove by adducing the evidence that the material was placed before the sanctioning authority and its satisfaction was arrived at upon perusal of the material placed before it.

14.4. Grant of sanction is only an administrative function and the sanctioning authority is required to prima facie reach the satisfaction that relevant facts would constitute the offence.

14.5. *The adequacy of material placed before the sanctioning authority cannot be gone into by the court as it does not sit in appeal over the sanction order.*

14.6. *If the sanctioning authority has perused all the materials placed before it and some of them have not been proved that would not vitiate the order of sanction.*

14.7. *The order of sanction is a prerequisite as it is intended to provide a safeguard to a public servant against frivolous and vexatious litigants,* ***but simultaneously an order of sanction should not be construed in a pedantic manner and there should not be a hypertechnical approach to test its validity****."*

(emphasis supplied)

18. Thus, from the above it becomes well-settled that scope of judicial review in matters relating to grant or refusal of prosecution

sanction is extremely limited. This Court cannot not take a hypertechnical approach or sit as an appellate authority over the decision of the sanctioning authority and cannot re-appreciate the material or substitute its own opinion for that of the competent authority.

19. Thus, the limited aspect for consideration is ***whether the relevant material was placed before the competent authority and whether the said authority duly considered the same, reflecting due application of mind.***

20. It emerges that the sanction to prosecute is sought on the ground that after the acquittal of the Petitioner's husband in FIR No. 678/2014 his false implication became apparent, leading the petitioner to seek sanction under Section 197 CrPC against the concerned police officials for misuse of official position.

21. In the present case, it is *ex-facie* evident from the impugned order that the competent authority has considered the application dated 06.04.2023 along with the material placed on record and has arrived at a conclusion that no cogent material was found to justify grant of prosecution sanction against the concerned police officials.

22. The record reflects that on 12.06.2023, the Petitioner was requested to furnish material/information such as specific role of the concerned police officials, evidence including documents, details and statements of witnesses or any electronic evidence or CCTV footage/photographs, copies of complaints filed etc.

23. Noting inF.No.7/27/2023/HP-1/Estt. dated 21.10.2023,

reflects that the reply of the Petitioner was examined but it was found not satisfactory w.r.t. to the queries raised in their previous letter. Hence, the Petitioner was again requested to furnish para-wise reply to the queries, furnish material in support of the allegations and a reminder was also sent to the Delhi Police to furnish a response.

24. Noting in F.No.7/27/2023/HP-1/Estt. dated 31.10.2023 records that the reply dated 20.09.2023 of the Petitioner was examined and the reply of the Delhi Police was awaited.

25. With respect to the same, the detailed comments and para-wise response dated 06.02.2024, to the allegations of the Petitioner, was also prepared by ACP/Hauz Khas, it was concluded as under: -

> *" CONCLUSION*
> *1)* ***The officials were only engaged in performing their duty and have only acted to maintain peace and tranquillity in the area and to prevent breach of peace and have prima facie not committed any offence leave alone in the course of their duty as there is no evidence to the contrary put forth by the applicant.***
> *2) The complaint of the applicant* ***appears to be vexatious on the face of it****. The purpose of protection given u/s 197 CrPC, is* ***to protect of possible responsible public servant against the institution vexatious criminal proceedings alleged to have been committed by them while they are acting or purporting to act as public servant*** *as held by the Hon'ble Ape Court in the case of General officer commanding v CBI AIR 2012 SC 1890.*
> *3)* ***Thus from the detailed enquiry made herein considering all the relevant facts/material/evidence on record, and mind, no after applying judicious my independent misconduct/offence can be attributed to the officials leave alone in the course of their duty or otherwise as no such incidence as alleged in the manner, by the applicant, took place.Thus no sanction is required even otherwise, for prosecution of the concerned officials.*** *ACP/HK affirm that his decision is*

> *not influenced by an extraneous consideration and has been given solely on the basis of evidence gathered during the course of investigation without any coercion or undue influence.*
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> *Further ACP/Hauz Khas recommended that in view above circumstances all Police officials performed their duties in official capacity and the Govt. capacity* ***and Official/police officials are protected 140 D.P. Act to perform their duty. So request for sanction U/S 197 Cr.PC is strongly opposed.*** *This is for your kind perusal and further order."*
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> (emphasis supplied)

26. The Letter dated 13.04.2024 to DCP/South Dist. from ACP/Hauz Khas, further demonstrates that the matter was also placed before the Jt. CP/SR by DCP/South Dist. *vide* letter dated 13.02.2024, and Jt. CP/SR also examined the matter and recommended not granting prosecution sanction under Section 197 of the CrPC against the police officials and the same was also affirmed by Spl. CP (L&O) Zone-II and approved by Worthy CP/Delhi.

27. Noting in F.No.7/27/2023/HP-1/Estt. dated 30.03.2025 reflects that the allegations by the Petitioner, the documents on record and the above letters have been considered in detail, by the Home Department.

28. It was recorded that the Delhi Police *vide* Letter dated 22.04.2024 also furnished a detailed para-wise response to the allegations in the application of the Petitioner. DCP/HQ-II had opposed the grant of prosecution sanction against the Police Officers.

29. It stands recorded therein that, as regards the allegation of false implication of the Petitioner's husband in FIR No. 678/2014, two PCR calls were received on 30.09.2014 which were recorded *vide* DD

Entry No. 71B and 72B at PS Ambedkar Nagar regarding a quarrel at the house no. 75, Gali No. 5, DDA Flats, Ambedkar Nagar. When ASI Satvir Singh reached the spot, he only found Smt. Aaliya who gave her statement that the husband of the Petitioner/Devender, abused her and molested her. Thus, the complaint of Smt. Aaliya was registered and the FIR No. 678 under sections 354/354A/5509 of the IPC was against Devender. She also gave her statement under 164 of the CrPC and the chargesheet was also filed. However, there was nothing on record to show that any action was taken with respect to the complaint dated 30.09.2014 of Petitioner.

30. Further, while considering allegations against W/Ct Poonam, it has been recorded that she inadvertently attested the statement by mentioning the date as 29.09.2014 instead of 30.09.2014 and the same was only a human error.

31. It is also a matter of record that an FIR No. 494 /2014 under sections 354/506/502 of the IPC has already been registered at the behest of the Petitioner. As regards the allegation that she was not informed about the Bail application moved by the accused, the same was only a violation of an administrative order and does not constitute any cognizable offence.

32. It has also been adverted that the allegations of misbehaviour/abusive language by the IO and the SHO were not supported by any evidence and have also been categorically denied by the Police officials.

33. Hence, the entire conspectus of factual matrix, along with

the supporting documents as well as the evidence adduced by the Petitioner and the comments of the Police department, was placed before the competent authority for grant of sanction, by the Section Officer (Home-I).

34. After perusing the material, the Principal Secretary (Home), as reflected in noting dated 05.03.2025, also examined the evidence and opined that a strong case is not made out in the instant case and the same was requested to be placed before the Hon'ble LG, Delhi for appropriate Orders.

35. On 07.04.2025, the Special Sect. to LG, Delhi noted that the Hon'ble LG, Delhi has perused the record and all the accompanying documents and has noted that there is a discrepancy in true copies of the Same DD Entry No. 71B. It was also noted that the proceedings related to complaint filed by the applicant under section 156(3) of the CrPC read with 200 CrPC, have been adjourned *sine die vide* Order dated 23.03.2024, with liberty to the Petitioner to revive the same after sanction under section 19 of the Prevention of Corruption Act 1988, has been obtained. Hence, the Hon'ble LG directed the home department to re-examine the same.

36. *Vide* noting dated 09.04.2025, Section Officer (Home) again perused the comments and further requested the Delhi Police to furnish the original documents and clarification with respect to the difference in dates. *Vide* response letter dated 30.04.2025, it was informed that the same was an inadvertent mistake and the correct date of both DD entries is 30.09.2014 and the correct true copy of the

DD entry No. 71B was also furnished.

37. Hence, the entire matter, including the application, the responses of the Police department, the subsequent clarifications, the statements of the accused officers, RTI documents, complaints filed by the Petitioners, etc., was examined for the second time by the Hon'ble LG, Delhi, and on a careful scrutiny of the evidence on record, it was opined *vide* the impugned order that there is no cogent material available on record to justify grant of prosecution sanction against the accused police officials.

38. From the above discussion, it emerges that not only the competent authority has duly considered the case of the Petitioner but has also applied its mind to the material placed before it to arrive at a reasoned satisfaction, which is evident from the order itself as well as the comments and opinions on record. An order declining sanction for prosecution is an administrative order and is not required to contain elaborate reasons akin to a judicial or quasi-judicial order.

39. Mere brevity of reasons in the impugned order, by itself, cannot be a ground to invoke writ jurisdiction, particularly when the order *ex-facie* indicates that the competent authority has examined the material and found no justification to accord sanction.

40. This Court is also conscious of the fact that the allegations raised by the Petitioner pertain to events dating back more than a decade and have already been subject matter of criminal proceedings, which culminated in acquittal. In absence of any material to demonstrate that the impugned order suffers from arbitrariness, *mala*

fides, or total non-application of mind, this Court finds no ground to interfere with the decision of the competent authority in exercise of jurisdiction under Article 226 of the Constitution.

41. In view of the aforesaid discussion, the present writ petition is devoid of merit and is accordingly dismissed.

42. Pending applications, if any, also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 24, 2025
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