



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Reserved on: 23<sup>rd</sup> May, 2025  
Pronounced on: 27<sup>th</sup> May, 2025*

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**CRL.M.C.3187/2017 & CRL. M.A. 13151/2017 (stay)**

1. **RAMAN KUMAR JHA, (INSPECTOR)**  
S/o Late Sh. Brij Kumar Jha,  
R/o Police Qr. No.21,  
PS Kashmere Gate, Delhi
2. **RAJVEER SINGH, (ASI)**  
S/o Late Sh. Ram Chand Singh  
R/o D-524/12A, Ashok Nagar,  
Shahadra, Delhi
3. **RAVINDER SINGH (NOW ASI)**  
S/o Late Sh. Baljeet Singh  
R/o Village Vinay Pur,  
Post Ratol, PS Khekra,  
Distt. Baghpat, UP.
4. **YASHPAL SINGH (NOW ASI)**  
S/o Sh. Sukhbir Singh  
R/o A-14, Gali No.1  
West Jyoti Nagar, Delhi
5. **TARUN KUMAR (CONSTABLE)**  
S/o Sh. Rajkumar,  
R/o Village Badhia 12,  
Post Trikshidgarh, Tehsil Mawana,  
District Meerut, UP



....Petitioners

Through: Mr. Kirti Uppal, Sr. Advocate with  
Mr. M.L. Yadav and Mr. Prashant,  
Advocates.

**Versus**

1. **STATE, (NCT OF DELHI)**
2. **MOHD. ISHAQ ANSARI**  
S/o Allah Mehar  
R/o H.No. 31, Gali No. 2B  
East Karawal Nagar,  
Delhi.

....Respondents

Through: Mr. Shoaib Haider, APP for State  
with SI Satish Kumar P.S. Karawal  
Nagar.  
Mr. Gaurav Dalal, Advocate for R-2.

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T**

**NEENA BANSAL KRISHNA, J.**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the Petitioners seeking quashing of Complaint CC No.659/2014 under Section 200 Cr.P.C. and also for setting aside the Impugned Order dated 24.07.2017 whereby *Ld. District & Sessions Judge* had upheld the Order of *Ld. CMM*



dated 17.08.2015, *directing registration of FIR under Section 156(3) Cr.P.C.*

2. *Briefly stated*, the Respondent No.2, Mohd. Ishaq Ansari who is the President of Resident Welfare Association, East Kamal Vihar, Karawal Nagar, Delhi was involved in settlement of a dispute between two persons namely Mohd. Shakir and Shakir Ali, but they conspired and falsely got him implicated in *Kalandara* under Section 107/151 Cr.P.C. Thereafter, the Petitioners gave merciless beatings to Respondent No.2, Mohd. Ishaq Ansari and his hairs and beard were plucked without any reason, which was seen by the neighbours.

3. Respondent No.2, Mohd. Ishaq Ansari made a call to No.100 and thereafter, was booked in a *Kalandara* under Section 107/151 Cr.P.C by the Petitioners.

4. *Respondent No.2, Mohd. Ishaq Ansari* asserted that because of the offences committed by the Petitioners, his image has been ruined/defamed as he is a man of repute and is a President of Resident Welfare Association, East Kamal Vihar, Karawal Nagar, Delhi.

5. Respondent No.2, Mohd. Ishaq Ansari further asserted that Petitioners had insulted him and because of the acts of the Petitioners, he was under fear. Further, one, Mohd. Islam resident of H. No.39, Karawal Nagar has made a call and a false Complaint against Respondent No.2, Mohd. Ishaq Ansari was registered at the instance of the Petitioners, wherein the Respondent No.2, Mohd. Ishaq Ansari has been denied fair investigations.



6. Respondent No.2, Mohd. Ishaq Ansari made a Complaint to the higher Officials of Delhi Police on 21.04.2014 attaching his medical documents and photographs, though no action was taken against the Petitioners.

7. Respondent No.2, Mohd. Ishaq Ansari because of this incident wants to commit suicide as damage has been caused to his reputation but he has refrained on account of his family.

8. Hence, he moved the Complaint for taking cognizance for the offences under Section 166/166A/323/347/357/452/120B/34 Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*). Along with the Complaint, he also made an Application under Section 156(3) Cr.P.C. for registration of FIR.

9. The Ld. CMM directed the SHO/ACP to register the FIR against the erring Police officials after taking necessary permission, if required. This Order was challenged by the Petitioners/Police Officials before the Ld. District & Sessions Judge who by his Order dated 24.07.2017, found no merit in the Revision Petition and upheld the Order of the Ld. CMM and directed that the Prosecution shall obtain Sanction from the Competent Authority before moving further in the matter.

10. Aggrieved by the said Order of the Ld. District & Sessions Judge, upholding the Order of Ld. CMM for registration of FIR, the present Petition has been filed.



11. Essentially, the grounds of challenge are that the Order dated 24.07.2017 is illegal, unwarranted and bad in law. The Complaint of the Respondent No.2 could not have been entertained without the Sanction under Section 197 Cr.P.C. and 140 Delhi Police Act, 1978 (*hereinafter referred to as "DP Act"*) as the Petitioners are the Police personnel and public servants. They had done the acts *vis-a-vis* Respondent No.2, Mohd. Ishaq Ansari, in discharge of their official duties.

12. ***According to the Petitioners, the correct facts are*** that the Respondent No.2, Mohd. Ishaq Ansari was arrested on 10.04.2014 at around 11-12 P.M. as he was involved in a fight and had been booked in a ***Kalandara*** under Section 107/151 Cr.P.C. He was medically examined at the Hospital at around 1:00 P.M. and thereafter, put in the lock-up in the Police Station. On the next day i.e., 11.04.2014, the Complainant was produced before Special Executive Magistrate Court (SEM), wherein also the Respondent No.2, Mohd. Ishaq Ansari never made any averment of any ill-treatment or misbehaviour by the Police officials i.e., the Petitioners. He was released by the SEM on the same day. Thereafter, he got himself examined afresh and as per the second MLC, there were abrasions found on his body.

13. It is claimed that this *second MLC* is in contradiction to the first medical examination of the Respondent No.2, Mohd. Ishaq Ansari and is clearly a manipulated document. An Inquiry was conducted by Joint Commissioner of Police, Eastern Range, Delhi in to this alleged incident and



the same was put up before the concerned Deputy Commissioner of Police. The enquiry prima facie concluded that the alleged incident had arisen due to the ego hurt of Respondent No.2, Mohd. Ishaq Ansari.

14. It is submitted that preliminary inquiry should be given weightage in case of Complaint made by any person against the Government servant and State machinery and there should not act in haste in registration of FIR.

15. Furthermore, no cognizance on the Complaint can be taken without prior Sanction as has been held under Section 197 Cr.P.C. and Section 140 DP Act, as has been held by the Apex Court in the case of State of Orissa through Kumar Raghvendra Singh & Ors. vs. Ganesh Chandra Jew 2004(2) JCC 735 SC; D.T. Virupakshappa vs. C. Subhash 2015(3) JCC 17666 SC; and Om Prakash and Ors. vs. State of Jharkhand (2012) 12 SCC 72.

16. It is further submitted that in the Order of the Ld. District & Sessions Judge dated 24.07.2017, it is mentioned that after registration of FIR, the Prosecution shall apply and obtain the Sanction from the Competent Authority before moving further. This direction of Ld. District & Sessions Judge is bad in law as in the light of the law by the Apex Court, in the cases of State of Orissa through Kumar Raghvendra Singh (supra), D.T. Virupakshappa (supra), Om Prakash (supra). The directions for registration of FIR without obtaining a prior Sanction, is bad in law and is liable to set aside.

17. ***The Status Report has been filed today in the Court on behalf of the State***, wherein while stating that when the first MLC of the Complainant,



Mohd. Ishaq Ansari was conducted, there were no injuries found but it is only the second MLC conducted on the second day that multiple abrasions have been mentioned. It is submitted that the allegations levelled by the Complainant against the Police officials, seemed to be false and motivated and could not be substantiated.

18. **Submissions heard and record perused.**

19. The *main allegations* made by Respondent No.2, Mohd. Ishaq Ansari is that he on 10.04.2014 i.e., the date of incident, at around 08:00 P.M., had reached his colony when he came to know about a quarrel in the *gali* between two persons. He along with others, went to Police Station to make a Complaint, but SI Rajbir Singh did not receive the Complaint and sent them back. He then asked Shakir to make a call at No.100. SI Rajbir came and took Shakir Ali with him. At around 11:00 P.M., the Petitioners came and took him to the Police Station, while beating him in a Police Van and also pulled his beard.

20. Thereafter, he along with Mohd. Shakir and Shakir Ali was taken to Babu Jagparvesh Hospital, where the medical examination was conducted. On the next day i.e., 11.04.2014, he was produced before the SEM Court and was released on Bail. He then got his medical examination done. His grievance thus, is that he had been beaten up by the Police officials.

21. A preliminary Inquiry was conducted by the Additional DCP-1, North-East and was forwarded to the Commissioner of Police and thereafter



before the Hon'ble LG who directed that a detailed Report in the matter along with the action taken against the erring officials, be sent.

22. The Joint Commissioner of Police, Eastern Range, Delhi thus conducted the Inquiry and came to the same conclusion of the allegations being false and motivated. However, the Police officials had been transferred from Police Station Karawal Nagar to District Line, Seelampur.

23. The Complainant, Mohd. Ishaq Ansari in his statement during the Inquiry by Police, had stated that he was beaten up in the Police Van while being taken from the Colony to the Police Station and his beard was pulled. Significantly, in his Complaint filed before the Court, he simply states that he was falsely implicated in a *Kalandara* under Section 107/151 Cr.P.C. and was beaten mercilessly and his hair/beard were plucked. Significantly, the place where he was beaten up by the Police officials has conspicuously not mentioned in the Complaint, though it finds mention in his Statement recorded during the Police Inquiry.

24. Pertinently, the Police got the medical examination of Respondent No.2 done at 01:25 A.M on 11.04.2014, wherein it was noted that there was no fresh injury. The second MLC has been conducted on 11.04.2014 at Babu Jagparvesh Hospital at about 01:40 P.M, wherein it was recorded that there was an abrasion on right forearm. The third MLC is of 11.04.2014 at 07:05 P.M at GTB Hospital, wherein multiple bruises, abrasions and swelling were noticed on various parts of his body.



25. Though, in the preliminary Police Inquiry the Complaint is claimed to be motivated and false because in the first MLC no injuries were noticed and no such Complaint was made to the SEM, but the third MLC which is supported with the photographs cannot be completely overlooked. The Respondent No.2 is entitled to be given an opportunity to prove his assertions. However, in the given circumstances, it is not a fit case of giving directions for registration of FIR.

***26. The Impugned Order of Ld. District & Sessions Judge dated 24.07.2017 giving directions for registration of FIR is hereby, set aside. However, the Complainant/Respondent is at liberty to proceed with the Complaint under Section 200 Cr.P.C., in accordance with law.***

27. The Petition along with pending Application(s) stands disposed of accordingly.

**(NEENA BANSAL KRISHNA)  
JUDGE**

**MAY 27, 2025**

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