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

+ **CONT.CAS(C) 781/2024**

**BABU LAL**

..... Petitioner

Through: Petitioner in person  
M: 8826732210

versus

**VICHITRA VIRYA AND ORS.**

..... Respondents

Through: Mr. Abhinav Singh & Mr. Praveen  
Kumar Kaushik, Advs. for R-1 to 3.  
Insp. Ajmer Singh, SI Rohan Singh  
Narwan, PS Punjabi Bagh

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*Date of Decision: 13<sup>th</sup> May, 2024*

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

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

**MINI PUSHKARNA, J: (ORAL)**

1. The present petition has been filed alleging willful disobedience of the orders passed by the learned Trial Court dated 28<sup>th</sup> April, 2023 and 21<sup>st</sup> September, 2023 in *FIR No. 178/2011*, Police Station Punjabi Bagh, wherein specific directions had been given by the Trial Court to the respondents for submitting original documents, which were collected by the previous Investigating Officers (“IOs”) during the investigation.

2. Learned counsel appearing for the petitioner has drawn the attention of this Court to the orders dated 28<sup>th</sup> April, 2023, 22<sup>nd</sup> May, 2023 and 21<sup>st</sup> September, 2023, wherein directions were issued to the concerned IOs to submit the complete documents.



3. It is submitted that despite the directions of the Court, the complete documents have not been submitted. Thus, it is submitted that in view of the aforesaid, charges have still not been framed against the guilty persons.

4. Per contra, learned counsel appearing for the respondents, on advance notice, has handed over a copy of the order dated 27<sup>th</sup> February, 2024, wherein it has been stated by the petitioner herein, that the documents which are already on record, are enough for framing the charges. Consequently, the learned Trial Court has already proceeded for the purposes of framing of charges. The said order dated 27<sup>th</sup> February, 2024, passed by the learned Trial Court, is taken on record.

5. Responding to the same, learned counsel appearing for the petitioner submits that all the documents have not been filed by the IOs before the learned Trial Court.

6. Having heard learned counsels for the parties and having perused the record, this Court notes that the present petition has been filed primarily on the premise that the charges have not been framed by the learned Trial Court, since the respondents have not filed the relevant documents.

7. Thus, paragraph 10 of the present petition, containing the averments in this regard, reads as under:

“xxx xxx xxx

*10- That the charge-sheet has been filed on 10.12.2015 but till date the charge has not been framed by the Ld Trial Court because the respondents have not compliance with the directions of the Trial Court and not provided the necessary and relevant clinching evidence which was collected by the previous I.Os against the accused persons i.e. the school authorities.*

xxx xxx xxx”

8. This Court notes the submission made by learned counsel appearing



for the respondents that in the present case two charge-sheets have been filed viz. the main charge-sheet and thereafter, a supplementary charge-sheet, that was filed in July, 2023.

9. This Court also notes the order dated 22<sup>nd</sup> May, 2023 passed by the learned Trial Court, wherein it has been held that the Court does not deem it proper to press on the untraceable documents in the light of the request of further investigation made by the Deputy Commissioner of Police (“DCP”). The said order dated 22<sup>nd</sup> May, 2023 passed by the learned Trial Court, reads as under:

*“24. Cr. Case 650741/2016  
STATE Vs. MANJEET SINGH SACHDEVA  
178/2011 (Punjabi Bagh)  
DLWT02001023216*

***Today I am looking after the work of link MM as well.***

*Present: Ld. Subs. APP for the State.*

*Sh. Yogender Diwedi, Ld. Counsel for complainant alongwith complainant.*

*Sh. Parvinder Singh, Ld. Counsel for accused No.3.*

*Sh. Ramneek Singh, Ld. Counsel for accused Manvinder Singh*

*Sh. Pankaj Talwar, Ld. Counsel for accused No.2.*

*All the accused persons present.*

*SHO PS Punjabi Bagh alongwith Insp. Ajmer Singh in person.*

*Report filed by the DCP. As per the report, it is submitted by the DCP that the documents are not traceable.*

***Further, it is submitted by the DCP that order of further investigation may be issued.***

***Court does not deem it proper to press on the untraceable documents in the light of the request of further investigation made by the DCP.***

***Further, if DCP deems it fit that the present matter may be further investigated, there is no need of order from the court.***

***It is submitted by the SHO PS Punjabi Bagh that the present matter will be further investigated.***



*Accordingly, put up for filing of the Supplementary final report or on before 17.07.2023.*

*(Anshul Mehta)  
MM (West)/THC:Delhi/22.05.2023”*

*(Emphasis Supplied)*

10. Subsequently, after passing of the order dated 22<sup>nd</sup> May, 2023, while considering the fresh investigation being carried out by the DCP, the learned Trial Court by a subsequent order dated 21<sup>st</sup> September, 2023, directed the DCP to appear in person with regard to the investigation being conducted in the matter. Relevant portion of order dated 21<sup>st</sup> September, 2023, reads as under:

*“xxx xxx xxx*

*Despite several opportunities to the IOs, IOs have failed to show the complete documents, as stated above, of even one of the student, out of 421 students.*

*In view of the above, worthy DCP is directed to appear in person and explain the investigation conducted in the present matter.*

*xxx xxx xxx”*

11. This Court also takes note of the order dated 27<sup>th</sup> February, 2024 passed in the present matter, wherein, the complainant himself has stated in clear terms that the charges can be framed on the basis of the documents, which are already on record. Thus, the learned Trial Court has already put up the matter for consideration on the point of charge. The order dated 27<sup>th</sup> February, 2024, reads as under:

*“*

*5 Cr. Case 463PB/2016  
60741/2016*

*STATE Vs. MANJEET SINGH SACHDEVA  
178/2011 (Punjabi Bagh)*

*27.02.2024*



***Present: Dr. Rajesh Kumar, Ld. APP for state.***

***Complainant in person.***

***Sh. Parminder Singh, Ld. Counsel for accused Tejinder Pal Kaur Gujral.***

***Sh. Pankaj Talwar, Ld. Counsel for accused Inderjeet Singh Vasan.***

***Sh. Mukesh Kumar, Ld. Counsel for Education Department, Govt. of Delhi.***

***Ms. Ravneek Singh, Ld. Proxy Counsel for accused Manmender Singh.***

***Sh. Paramjeet Singh, Ld. Counsel for accused Manjeet Singh Sachdeva.***

***IO PSI Rohan in person.***

***Accused Manjeet Singh Sachdeva and Manmender Singh in person.***

***Accused Inderjeet Singh Vasas and Tejinder Pal Kaur Gujral absent.***

*Report filed by the IO. As per the report, investigation is pending, upon enquiry, it is submitted by the IO that reply to certain notices under Section 151 CPC 91 Cr.P.C. is pending.*

***At this stage, it is submitted by the complainant that the documents already on record are enough for framing of charge.***

***Considering the submissions made by the complainant and that the present chargesheet was filed in the year 2016 and till today, charge is not framed, court deems it proper to proceed for the consideration on the point of charge.***

***Put up for consideration on point of charge on 30.03.2024 at 02:00 PM.***

*(Anshul Mehta)*

*MM-01 (West)/THC:Delhi/27.02.2024”*

*(Emphasis Supplied)*

12. Considering the aforesaid orders, it is manifest that though there were directions by the learned Trial Court for filing and producing the various documents which had been collected by the previous IOs, however, subsequently, the Trial Court, on account of the fact that the investigation was still going on and that the previous documents were not traceable, had itself stated that it was not proper to press for production of the untraceable



documents.

13. Accordingly, it is clear that the earlier orders passed by the learned Trial Court for producing the documents pertaining to the investigation carried out by the previous IOs, have been modified by the subsequent order.

14. Accordingly, no merit is found in the present petition. Thus, the present petition is dismissed.

**MINI PUSHKARNA, J**

**MAY 13, 2024/kr**