

**SC No. 459/2023**  
**State Vs Chander Bala Sharma @ Suman & Ors**  
**FIR No. 604/2023**  
**PS-Ambedkar Nagar**

**08.02.2024**

Present: None for State.  
Complainant in person.  
HC Sandeep in person on behalf of ACP  
Neeraj Tokas, PS-C.R.Park.

It is submitted by HC Sandeep that the investigation Officer could not appear today due to law and order arrangement at Jantar Mantar, New Delhi.

Reply to the protest petition filed. Copy supplied.

Perusal of the chargesheet reveals that accused Chander Bala Sharma @ Suman, Rakesh Sharma @ Keshav, Neelam Sharma @ Sonu and Priya Sharma were chargesheeted but accused Vikas Tomar was placed in column no. 12 with the following observations in the chargesheet:-

*“As far as the role of alleged Vikas Tomar is concerned, in this regard it is submitted that in the initial complaint he was named by mentioning that the alleged Priya Sharma, Suman @ Chander Bala and Vikas Tomar reached the spot and used abusive language for Sushil Suri and his wife Ayesha Suri (both are witnesses in the present case). A separate case vide FIR no. 570/22, u/s 506/509/34 IPC, PS-Dr. Ambedkar Nagar, was also registered on the complaint of Ms. Ayesha Suri regarding the same day incident and investigated separately. The present complaint i.e. Dapinder Kanojia was examined and her statement u/s 164 Cr.P.C was got recorded. There is no allegation of commission and her statement u/s 164 Cr. P.C was*

*got recorded. There is no allegation of commission of any offence by Vikas Tomar against the present complainant or her family member is levelled. However, his name is placed in the column no. 12 of the present charge sheet”.*

As against above, protest petition was preferred on behalf of the complainant ascertaining that there are specific allegations made by the complainant against Vikas Tomar in her complaint as well as in her statement u/s 164 Cr. P.C. Further, it is stated that in the video recording also, the accused Vikas Tomar can be seen alongwith other accused persons and the Investigating Officer deliberately and intentionally has put him in column no. 12.

In reply to the aforesaid petition, it is submitted by ACP Neeraj Tokas, PS-C.R.Park that on perusal of all submissions, no one has stated any specific role of alleged Vikas Tomar except for his presence and that is why, he was kept in column no. 12.

On perusal of the initial complaint, it is noticed that the incident has been narrated to the effect that on the given date when complainant was standing outside with her husband, other persons namely Sushil Suri and Ayesha Suri were also present and were talking to the complainant, in the meanwhile, accused Priya, Suman, Vikas Tomar came from the front and subsequently started abusing Sushil Suri and Ayesha Suri. All those persons then attempted to come forward to assault Sushil Suri and Ayesh Suri when the complainant and her husband intervened. Thereafter, it was narrated that when complainant came inside the gali, accused Suman, Priya, Sonu (Neelam) and Vikas Tomar came and objected to Shrimati Shanta Devi and

beaten her and tore her clothes.

It is categorically revealed from the aforesaid complaint that specific allegations have been levelled against the accused Vikas Tomar as well and therefore, his placing in column no. 12 is not sustainable. Though, in the statement of the complainant u/s 164 Cr. P.C, some minor discrepancies in relation to the exact role of accused Vikas Tomar can be seen, but those are not significant in nature, particularly at this stage of taking cognizance of the offence. Therefore, there is valid and legal ground to allow the protest petition and summon the accused Vikas Tomar alongwith other accused persons to face engaging and trial in the present case.

As against accused Rakesh Sharma @ Keshav also specific allegations have been levelled.

**I take cognizance of the offences. All the accused persons including accused Vikas Tomar be summoned for appearance on the next date of hearing.**

List the matter for appearance of accused persons/further proceedings on **24.02.2024**.

**(Navjeet Budhiraja)**  
**ASJ-02 (South)/ Saket Courts**  
**New Delhi/08.02.2024**