



\$~1

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

+ **W.P.(C) 16025/2022 & CM APPL. 50003-04/2022**

SHRI JAI KISHAN SHARMA (EX-COUNCILLOR) Petitioner

Through: Mr. R. S. Tomar, Mr. SS Panwar, Mr. Rahul Kadyan, Ms. Nividita Panwar, Mr. Ravi Panwar, Advocates with petitioner in person

versus

L.G. OF DELHI & ORS. Respondents

Through: Mr. Mohd. Irsad, ASC, GNCTD with Mr. Rakesh Kumar Sinha, Mr. Kumud Ranjan Mishra, Advocates for R-3 (Commissioner of Police) with Insp. Ajay Kumar, SHO P.S. Najafgarh

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

ORDER

%

13.12.2022

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned counsel for the petitioner submits that despite the Assistant Director (Investigation) submitting a report on 08.10.2013 to the effect that, the immovable properties listed in the complaint, were acquired by the petitioner/his family members between the years 1983 to 1995, when the petitioner was not yet a Municipal Councillor- a “public functionary”, the impugned order recommending



registration of an FIR and further investigation is erroneous and without basis because the complaint would lie only against the ‘misuse of office’ for illegitimate monetary gains. The petitioner became a Municipal Councillor in the year 1997 and continued so till 2012; the listed transactions were completed about two years prior to his assuming public office. Indeed, the acquisition of assets covered a period more than a decade and half prior to his becoming a Municipal Councillor, therefore the same could not be the subject matter of a complaint before the Lokayukt. The petitioner submits that all the assets listed in the complaint had been disclosed by him in 1997 by way of an affidavit, when he contested for being elected as a Municipal Councillor.

2. On query put to the learned counsel for the respondent no.3/Commissioner of Police as to whether there is any doubt *apropos* the investigation report, the learned counsel for the respondent no.3 seeks time to obtain instructions.
3. Renotify on 27.03.2023.

NAJMI WAZIRI, J

SUDHIR KUMAR JAIN, J

DECEMBER 13, 2022

j/m