

IN THE HIGH COURT OF HIMACHAL PRADESH**AT SHIMLA****CR WP no.14 OF 2023****Reserved on:5.8.2024****Pronounced on: 23.9.2024**

COURT ON ITS OWN MOTION.

Versus

STATE OF HIMACHAL PRADESH AND OTHERS ...Respondents

Coram:

Hon'ble Mr. Justice M.S. Ramachandra Rao, Chief Justice.

Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?

Nishant Sharma : Nishant Sharma, party-in-person/complainant

Amicus curiae : Mr. Neeraj Gupta, Sr.Advocate with Sh.Vedant Ranta, Advocate

For the respondents : Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta & Mr. Pranay Pratap Singh, Additional Advocate Generals, and Mr. Sidharth Jalta & Mr. Arsh Rattan, Deputy Advocate Generals, for respondent no.1/State.

Sh.Arjun Lall, Advocate for respondent no.4

Sh. Shrawan Dogra, Sr.Counsel with Bhrat Thakur, Advocate for respondent no.5

M.S. Ramachandra Rao, Chief Justice.

Background facts

One Nishant Sharma, a resident of Palampur, Distt.Kangra, State of Himachal Pradesh (for short 'the Complainant') had sent an email to the Registrar General of this Court on 28.10.2023 addressed to one of us (the Chief Justice), on the basis of which this Cr.W.P was directed to be registered.

The email dt.28.10.2023 of the complainant

In his complaint/email, the complainant alleged that there was a threat to his life from extremely rich and well connected persons by name Sh. Sachin Shreedhar (a former IPS officer) and his brother Tarun Shreedhar (a former IAS officer) and also one Sh. K.D. Shreedhar (a practicing lawyer) as he and his father did not yield to their extortion attempts to make them sell M/s Shri Chamunda Laboratories and Projects Private Limited, that owns and operates Hotels and commercial complexes at Palampur.

He contended that Rakesh Shreedhar, brother of Sh. K.D. Shreedhar, who is an NRI, had invested in various projects owned by complainant's family as a shareholder on Sh.K.D.Shreedhar's name; and that the latter had been facing deep-financial crisis due to sudden death of his partner in a media company, who had left him burdened by many loans from different banks. The complainant alleged that Sh. K.D.Shreedhar has been forcing him and his father to sell the properties of their Company so that he could settle his loans and advances; that when they refused to do this, he took the help of Sh.Sachin Shreedhar to intimidate them; that Sh.Sachin Shreedhar approached various family friends and acquaintances to set up a meeting with complainant and his father to which they refused; and having failed in his corrupt practices, he then connived with Sh.K.D.Shreedhar to send hired goons to kill the complainant.

He stated that there was a murderous attack on him at Gurugram on 25.8.2023; and that on 27.8.2023, when he was at Bhagsunag in Dharamshala with his wife and infant son, as he walked from Bhagsunag to Mcleodganj, he was stopped by two men on a Black Pulsar motorcycle; that they came near his wife and infant son and he stopped them; that one of the men hurled abuses at him and the other recorded the incident on his mobile as in the Gurugram incident; the

complainant was told that if he did not behave and take back the police complaint made by him at Gurugram, he would make complainant's whole family disappear, and the first to disappear would be the child; and then they sped away. According to him the bike did not have a registration plate.

He alleged that he was getting phone calls from certain land lines and mobile phones belonging to the then Director General of Police , Himachal Pradesh and the DSP, SHO, Palampur. Details of the phone numbers and times of the calls are mentioned.

He stated that he was sent a Whatsapp message by the SHO, Palampur stating that the Director General of Police, Himachal Pradesh wanted to talk to him and he should call back on a land line number mentioned in the message. He alleged that when he called on the said phone line, the Director General of Police , Himachal Pradesh insisted that he come to Shimla to meet him. He stated that he was being pressurized to come to Shimla at the instance of Sh.Sachin Shreedhar and Sh.K.D.Shreedhar by the Director General of Police, Himachal Pradesh though he had no prior acquaintance with him.

He stated that he apprehends danger to his life and that of his family members. He claimed that he is living in constant fear since above people want him killed.

He prayed that this Court intervene and save him and his family from the above named persons their extremely dangerous and influential associates.

It is not in dispute that similar emails were also sent on 28.10.2023 by the complainant to the Superintendent of Police, Kangra at Dharamshala (respondent No.2) and to the Secretary (Home) of the State of Himachal Pradesh (respondent no.1).

But no FIR was registered by the Police at Mcleodganj, Dharamshala on the complaint of the complainant.

Even complaints given by the complainant to the Gurugram police had been given Diary No.s 433-CAS dt.25.8.2023 and 990-CAS dt.26.8.2023. But no FIR had been registered there as well.

The registering of the Cr.W.P and it's listing on 10.11.2023

The Cr.W.P was registered 9.11.2023 on the basis of the email referred to supra and listed before this bench on 10.11.2023.

The respondents arrayed were: (1) the State of Himachal Pradesh through the Secretary(Home), (2) the Superintendent of Police, Kangra at Dharamshala and (3) the Superintendent of Police, Shimla. Later Sh.Sanjay Kundu, the then Director General of Police was also impleaded as respondent no.4 and Ms.Shalini Agnihotri, Superintendent of Police, Kangra were added as parties in their personal capacity.

Hearing on 10.11.2023

This Bench issued notice to respondents and Additional Advocate General accepted notice on their behalf. This Bench directed the respondent No.s 2 and 3 to file status reports on 16.11.2023. This order was communicated to the respondent no.s 2 and 3 through the Registrar General.

Events on 16.11.2023

On 16.11.2023, the respondent No.s 2 and 3 filed status reports.

This court appointed Sri Neeraj Gupta, Sr.Advocate as Amicus Curiae to assist the Court.

Respondent No.s 2 and 3 were directed to provide requisite protection to the complainant.

The Advocate General, on instructions, assured that an FIR would be registered with regard to the complaint made by the complainant to the respondent no.2 on 28.10.2023 at the earliest.

The matter was directed to be listed on 22.11.2023.

FIR no.55/2023 registered on 16.11.2023

Only thereafter on 16.11.2023, an FIR No.55/2023 was registered by the Mcleodganj Police Station under Sections 341,504,506,34 IPC on the basis of the complaint dt.28.10.2023 made by the complainant against unknown persons.

This was 18 days after the giving of the complaint by the complainant and a week after the Cr.WP was taken up by this Court.

Status reports were filed from time to time by the respondents.

F.I.R.No.98/2023 dt.4.11.2023

It was brought to the notice of the Court that an F.I.R.No.98/2023 dt.4.11.2023 was filed by the respondent no.4 against the complainant alleging commission of offences under Sections 299,469,499,500 and 505 IPC.

The registration of FIR on 27.11.2023 at Gurugram

An FIR No.350/2023 dt.27.11.2023 under Section 323,506,34 of IPC was registered at Police Station, Sector 9-A, Gurugram on the complaint made by complainant dt.25.8.2023 and statements of complainant, his father and their Chartered Accountant had been recorded in relation thereto.

The order dt.26.12.2023.

This court passed an order dt. 26.12.2023 on the basis of this material placed before it that the possibility of investigation not being carried on in a fair manner cannot be ruled out, and that it is necessary to ensure fair investigation in the FIRs. It referred to the principles laid down by the Supreme Court in ***Babubhai Jamnadas Patel v. State of Gujarat***¹ and ***Violence in Lakhimpur Kheri (U.P.) Leading to Loss of Life, In re,***² that in cases where it has been brought to the notice of the courts that investigation into an offence was not being carried on in the manner in which it should have been carried on, directions have been given by the courts to the investigating agencies to conduct the investigation according to certain guidelines, as otherwise the very purpose of the investigation could become fruitless. This Court issued directions to shift the respondent nos.4 and 5 to other posts ensure that investigation gets done fairly in the light of the law.

The orders passed by the Supreme Court and this Court from 3.1.2024 to 19.4.2024

Respondent no.4 challenged this order in the Supreme Court by filing SLP. (Criminal) Diary No.54019/2023.

On 3.1.2024, the Supreme Court directed the respondent no.4 to file an application to recall the order dt.26.12.2024 and requested this Court to dispose it off in 2 weeks. Till the recall petition was disposed off, the direction to transfer the respondent no.4 out of the post of the Director General of Police, Himachal Pradesh was stayed.

Respondent no.4 then filed Cr.M.P.No.79/2024 in this case to recall the order dt.26.12.2023 passed by this Court.

¹ (2009) 9 SCC 610

² (2022) 9 SCC 337

Respondent no.5 filed Cr.M.P.No.74/2024 to implead her in her personal capacity and Cr.M.P.No.84/2024 also for recall of the said order.

On 5.1.2024, the Cr.M.P.No.74/2024 was allowed. Also arguments were heard on that day in Cr.M.P.No.79/2024 and Cr.M.P.No.84/2024.

On 9.1.2024, this Court passed orders in Cr.M.P.No.79/2024 and Cr.M.P.No.84/2024 and refused to recall the order dt.26.12.2023. It directed the State Government to consider constituting a Special Investigation Team consisting of IG level officers who will probe all aspects of the matter and also give adequate protection to the complainant.

Respondent no.4 filed SLP (Criminal) No.550-551 /2024 challenging this order dt.9.1.2024 passed by this Court.

On 12.1.2024, the Supreme Court allowed the said SLP in part and set aside only the direction of this Court transferring respondent no.4 from the post of Director General of Police. *It directed the respondent no.1 to constitute a Special Investigation Team consisting of IG level officers who should not report to respondent no.4 in the investigation into the FIRs.*

On 30.4.2024, the respondent no.4 retired as Director General of Police on superannuation.

Respondent no.5 filed SLP.(Criminal) No.3917/2024 also challenging the order dt.9.1.2024 in CRMP.No.84/2024.

On 19.4.2024, the same was disposed off and the order of this Court directing her transfer was stayed pending disposal of the proceedings in this Court

The constitution of the SIT on 9.2.2024

On 9.2.2024, the respondent no.1 issued an office order constituting an SIT consisting of two IG level officers by name (i) Santosh Kumar Patial, IGP (Intelligence), H.P and (ii) Abhishek Dular, IGP, NR, Dharamshala..

The SIT constituted by the State Government submitted reports to this Court from time to time.

Appointment of new DGP by State w.e.f 1.5.2024

The then Director General of Police , State of Himachal Pradesh demitted office on his superannuation on 30.4.2024 and the State Government appointed Dr.Atul Verma as the new DGP of the State w.e.f 1.5.2024.

Order dt.22.5.2024 passed by the Court

After considering the said reports filed by the SIT, this court passed order on 22.5.2024 asking Dr.Atul Verma, the new Director General of Police to examine the reports of the SIT and then place his views before this Court about the quality of investigation done so far from date of filing of the FIRs in question till that date.

The said order is as under:

“Heard the complainant Sh. Nishant Sharma and the learned Additional Advocate General and perused the affidavit with Annexure filed by the complainant as also the response thereto by the State.

Though much has been said on both sides, since the new Director General of Police, Himachal Pradesh Dr. Atul Verma, has taken charge from 1st May, 2024, we direct the office of the Advocate General as well as the Secretary (Home) to the Government of Himachal Pradesh, to supply to the current Director General of Police, Himachal Pradesh, the complete case file including the status reports submitted by the SIT to this Court and any other records which he seeks. He shall examine

the same and then place his views before this Court on the next date of hearing about the quality of investigation done so far from date of filing of the FIRs in question till date.

Till further orders, final report shall not be filed by the SIT in F.I.R. no.98 of 2023, registered by the Police Station, Shimla (East), District Shimla and in F.I.R. no.55 of 2023, registered at the Police Station, McLeodganj, District Kangra, H.P.”

The reports dt.6.7.2024 and 16.7.2024 filed by Dr.Atul Verma, DGP, Himachal Pradesh

As directed in our order dt. 25.5.2024, the Director General of Police, Himachal Pradesh had filed two reports- one dt. 6.7.2024 and another dt.16.7.2024 stating his views on the investigation done in the FIR.No.55/2023 dt.16.11.2023 P.S.McLeodganj and in FIR.No.98/2023 dt.4.11.2023, P.S.East , District Shimla from the time of their registration till date.

On 18.7.2024, we had directed furnishing of copies of the said reports to the complainant/ party-in-person, the learned Amicus Curiae, the Advocate General, Sri Arjun Lall, counsel for respondent no.4 and Sh.Shrawan Dogra, Sr.Counsel for respondent no.5.

We have perused the said reports. The reports of the Director General of Police, Himachal Pradesh are comprehensive and observations made therein appear to us to be valid.

We place on record our appreciation for the independent and unbiased views expressed by Dr.Atul Verma, the Director General of Police, Himachal Pradesh in the said reports and the valuable suggestions given by him.

The two reports filed by the Director General of Police, Himachal Pradesh highlight serious lapses in the investigation by the SIT and also by the earlier

investigation officers and indicate that they have not properly investigated the matters as was expected of them.

The contents of the said reports shall be treated as part and parcel of this order.

The hearing on 5.8.2024

We have also heard complainant, the Amicus Curiae, and the counsel for the parties at length on 5.8.2024 as regards their views on the two reports filed by the Director General of Police, Himachal Pradesh.

The complainant and the Amicus Curiae referred to certain paragraphs in the reports filed by the Director General of Police and contended that in the light of what has been stated in the said reports, the Court cannot remain a mute spectator and it has a duty to ensure fair investigation. They sought appropriate directions to the SIT to cover certain aspects/lapses in investigation which the reports of the Director General of Police have highlighted.

The Advocate General, appearing for respondent no.1, counsel for respondent no.4 and the counsel for respondent no.5 stated that the investigation done in FIR NO.55/2023 PS Mcleodganj is proper and this court should ignore the views of Dr.Atul Verma, the current Director General of Police.

Counsel for respondent no.4 cited the decision of the Supreme Court in ***Manohar Lal Sharma v. Union of India***³ and contended that while the Court can monitor the investigation, it cannot supervise it. He contended that his client had since retired from service on 30.4.2024 and has no more any role in the matter.

Counsel for respondent no.5 stated that ever since the constitution of the SIT, his client had nothing to do with the investigation and he has no comments to offer.

Consideration by the Court

From the record of the case, we may notice the following:

³ (2014)2 SCC 532

- (i) The FIR *qua* the allegations leveled in the email dt.28.10.2023 of complainant sent to the respondent no.5, was not registered till 16.11.2023 though it disclosed the commission of a cognizable offence u/s.341 IPC. It was registered after this Court registered the Cr.W.P.14 of 2023 on 10.11.2023. Only 18 days after receipt of the email, it was registered.
- (ii) The respondent no.5 had not promptly acted and initiated investigation even thereafter as mentioned in our order dt.9.1.2024.
- (iii) There was also considerable delay in collection of CCTV footage at the place where the incident of 27.10.2023 happened.
- (iv) The mobile phones and devices used by the suspects were not seized by the Investigation officers.

There are serious allegations of threat to life to the person and family of the complainant/party in person, alleged attempts on his life and that of his family members, alleged attempts at coercion, intimidation, extortion and land grabbing were made by him against Sh.K.D.Shreedhar, a Senior Lawyer and Sh.Tarun Shreedhar, a former officer of the All India Service, and Sh.Sachin Shreedhar, a former IPS Officer (all persons of considerable influence according to the complainant) regarding control of M/s Shri Chamunda Laboratories and Projects Private Limited at Baddi, H.P.

The Superintendent of Police, Shimla in his report dt.16.11.2023 referred to above had also sought investigation of these allegations. He stated that the allegations made by petitioner about wrongful restraint, threats, extortion require deep and extensive investigation; that *there is prima facie evidence of extortion and use of criminal force to constrain the complainant to settle property matter as alleged by the complainant*, and nexus with hired criminal gangs as alleged in the CR.WP needing detailed investigation. According to him, the non-registration of

the FIR is a fact, and involvement of high profile officers and criminal gangs to settle disputes between partners by forcing one partner for the purpose using extortion and criminal design, cannot be ruled out. He also mentioned that no FIR had been registered even at Gurugram on the complaint given by complainant to Gurugram DCP East and only a Diary entry had been made on 6.9.2023 though the video footage of the said incident provided by the complainant revealed serious attack by use of criminal force. He stated that the intent and motive behind this attack correlates incidents at Mcleodganj and Gurugram, and the non-registration of the FIRs at both places of incidents indicate that purpose was to overlook the crime. According to him the modus operandi of attackers/gang at Gurugram and Mcleodganj appear same, and hence criminal conspiracy for the alleged purpose deserves deep probe by way of investigation.

The complainant Nishant Sharma, who appeared in person on 5.1.2024, had also stated that Shri K.D.Shreedhar and his friends Sh.Sachin Shreedhar and Sh.Tarun Shreedhar, by using their high connections, were trying to intimidate him and force him to sell his and his father's shares in M/s Shri Chamunda Laboratories and Projects Private Limited and properties of the said company. He stated that he and his father have 50% shares in the said company. He contended that having failed in a takeover bid by process of Company Law, they have resorted to (a) intimidation by using gangsters to attack him and his family and terrorize them so as to force a settlement and (b) also pressurize him to sell his family's shares in the said Company by having him threatened. He also stated that the respondent no.4, while he was the Director General of Police, though had no acquaintance with complainant, tried to pressurize him on 27.10.2023 to come to Shimla for a *police led mediation* and had got made 15 missed calls from his land line, got a Whatsapp message sent from SHO, Palampur to call the Director

General of Police, and when he refused to come to Shimla, shortly thereafter the incident of threat happened at Bhagsunag.

RE: Report dt.6.7.2024 of Dr.Atul Verma

In the report dt.6.7.2024, the Director General of Police noticed that the SIT has not been able to establish during its investigation that the incident at Mcleodganj on 27.10.2023 stated by the complainant in his email had not taken place. He opined that the commercial dispute between Sh.K.D.Shreedhar and the complainant is at the heart of all allegations contained in both FIRs and requires investigation. He pointed out that in the report dt.23.3.2024 at para 7(b) and 7(e), the SIT had stated that it will conduct a thorough examination of the financial records aiming to elucidate any financial motives behind the incident, but the SIT does not seem to have done it.

RE: Report dt.16.7.2024 of Dr.Atul Verma

In the report dt.16.7.2024, the Director General of Police noticed that the complainant had given a statement u/s.161 Cr.P.C to Sh.Ram Prasad Jaswal, Dy.SP, Kangra in FIR No.55/2023 P.S.Mc Leodganj regarding extortion and had insisted that Section 327 IPC should be added in the FIR, but the Investigation Officer and the SIT did not go into the aspect and have not given a clear reason for not adding this section and investigating this aspect. This aspect, according to him, will be within the overall ambit of disputes and can be examined by the SIT.

He also stated that motive or reason for alleged extortion or attempt to extort money from the complainant needs deeper examination.

He further stated that in a case diary no.116 dt.21.5.2024 in FIR No.55/2023 PS Mcleodganj, in para 20, it has been mentioned that 2 persons have been found to be common during the 2 alleged occasions of attacks on the complainant in Gurugram and Mcleodganj; that one of them is a retired Inspector of Gurugram

Police; and much more should have been done to investigate their possible involvement /non-involvement , but only their character verification was done.

He commented on the failure to seize phone, laptop during early stage of investigation during interrogation of suspects as there was a possibility of tampering and loss of data.

He stated that the reasons given in the case diary No.116 dt.21.5.2024 to close the case are insufficient and the case merits further investigation.

He noted that the SIT in it's reports had stated that it will go into the financial dispute between the two parties and the allegations of involvement and misuse of connection of one party with politicians and bureaucrats, but does not seem to have gone into it.

There are other things also mentioned in the reports which we are not specifically adverting to for brevity's sake, but we are of the opinion, that much has not been done by the SIT.

The serious allegations of extortion, attempt to extort, land grabbing, etc have not been investigated by the SIT or the other investigation officers prior to the constitution of the SIT. Both have failed to add to the FIR No. 55/2023 dt.16.11.2023 PS Mc Leodganj, Sections 384 to 387 IPC which are clearly attracted as per allegations made by the complainant. They are also cognizable offences. These provisions of law have to be added in FIR.No.55/2023 dt.16.11.2023 PS Mc Leodganj and this angle is also required to be investigated.

A perusal of the reports of the SIT indicates that the SIT seemed to be determined to disprove the alleged attack on the complainant on 27.10.2023 at Mcleodganj , Kangra instead of investigating holistically all the aspects of the matter including the extortion angle.

The fact that mobile phones, laptops and other potentially crucial sources of digital evidence have not even been seized by the SIT is also a serious lapse on the part of the SIT.

Given that only Sections 341,504,506 r/w 34 IPC were mentioned in the FIR no.55/2023 PS Mcleodganj, and offences under section 384 to 387 IPC were not mentioned in it, we find surprising the SIT's claim made in the written submissions filed by the Advocate General that it found no evidence to support claim of extortion, because it could not have investigated that aspect without including the said provisions in the FIR.

The SIT admits that there were commercial disagreements at the core of the conflict, but its view that they are not criminal, may need more probe as highlighted by the reports of the Director General of Police.

In our view, the several lapses indicated in the reports filed by Dr. Atul Verma show that the investigation by the SIT and its predecessor investigation officers has been tardy and important angles have not been investigated by them.

The defence of the actions of the SIT in the written submissions given by the Advocate General do not, in our opinion, justify coming to a conclusion that the SIT's investigation has been comprehensive.

In ***Bharati Tamang v. Union of India***⁴, the Supreme Court held:

“41.3. If deficiency in investigation or prosecution is visible or can be perceived by lifting the veil which try to hide the realities or covering the obvious deficiency, Courts have to deal with the same with an iron hand appropriately within the framework of law.

41.4. It is as much the duty of the prosecutor as of the Court to ensure that full and material facts are brought on record so that there might not be miscarriage of justice.

41.5. In order to ensure that the criminal prosecution is carried on without any deficiency, in appropriate cases this Court can even constitute Special Investigation Team and also give appropriate directions to the Central and State Governments and other authorities to give all required assistance to such specially constituted

⁴ (2013) 15 SCC 578 : (2014) 6 SCC (Cri) 566, at page 597

investigating team in order to book the real culprits and for effective conduct of the prosecution.

41.6. While entrusting the criminal prosecution with other instrumentalities of State or by constituting a Special Investigation Team, the High Court or this Court can also monitor such investigation in order to ensure proper conduct of the prosecution.

41.7. In appropriate cases even if the charge-sheet is filed it is open for this Court or even for the High Court to direct investigation of the case to be handed over to CBI or to any other independent agency in order to do complete justice.

41.8. In exceptional circumstances the Court in order to prevent miscarriage of criminal justice and if considers necessary may direct for investigation de novo.”

In **Dharam Pal v. State of Haryana**⁵, the Supreme Court reiterated:

“24. Be it noted here that the constitutional courts can direct for further investigation or investigation by some other investigating agency. The purpose is, there has to be a fair investigation and a fair trial. The fair trial may be quite difficult unless there is a fair investigation.

25. in a criminal investigation a real and fair investigation, not an investigation that reveals itself as a sham one. It is not acceptable. It has to be kept uppermost in mind that impartial and truthful investigation is imperative. ... If a grave suspicion arises with regard to the investigation, should a constitutional court close its hands and accept the proposition that as the trial has commenced, the matter is beyond it? ..,”(emphasis supplied)

This was also reiterated in **Violence in Lakhimpur Kheri (U.P.) Leading to Loss of Life, In re(2 supra)** by the Supreme Court.

We are not in agreement with the contention of the counsel for respondent no.4, that we should not give any directions to the SIT as it would amount to supervising the investigation rather than mere monitoring of it.

In **Amar Nath Chaubey v. Union of India**⁶, the Supreme Court held:

“**11.** The police has a statutory duty to investigate into any crime in accordance with law as provided in the Code of Criminal Procedure. Investigation is the exclusive privilege and prerogative of the police which cannot be interfered with. But if the police does not perform its statutory duty in accordance with law or is remiss in the performance of its duty, the court cannot abdicate its duties on the precocious plea that investigation is the exclusive prerogative of the police. Once the conscience of the court is satisfied, from the materials on record, that the police has not

⁵ (2016) 4 SCC 160 : (2016) 2 SCC (Cri) 259, at page 169

⁶ (2021) 11 SCC 804

investigated properly or apparently is remiss in the investigation, the court has a bounden constitutional obligation to ensure that the investigation is conducted in accordance with law. If the court gives any directions for that purpose within the contours of the law, it cannot amount to interference with investigation. A fair investigation is, but a necessary concomitant of Articles 14 and 21 of the Constitution of India and this Court has the bounden obligation to ensure adherence by the police.”(emphasis supplied)

As per law laid down in above decisions, Constitutional courts have power to direct further investigation to ensure fair investigation and a fair trial, and the reports filed by Dr.Atul Verma , the Director General of Police, Himachal Pradesh point to the need for further investigation in the matter.

We feel that it would be a travesty of justice to ignore the views of Dr.Atul Verma, the current Director General of Police , State of Himachal Pradesh on the manner in which the investigation has been done into the complaint filed by Sh.Nishant Sharma as explained in the two reports filed by him in this court on 6.7.2024 and 16.7.2024.

For the aforesaid reasons, we direct as under:

- (A) Sections 384 to 387 IPC be added in FIR.No.55/2023 dt.16.11.2023 PS Mc Leodganj and the same shall also investigated by the SIT.
- (B) The SIT shall proceed to further investigate all the aspects/areas indicated in the reports filed by Dr.Atul Verma, the Director General of Police , Himachal Pradesh.
- (C) An SP level officer from the HP Armed Police Battalion as approved by Dr.Atul Verma, the Director General of Police , Himachal Pradesh be added as a member of the SIT by the State Government and appropriate notification in that regard be issued by it within 3 days.

We make it clear that we have not expressed any view on the truth or veracity of the allegations made by the parties involved in the said FIRs and they shall all be presumed innocent until proven guilty in a court of law.

List on 5.11.2024 for filing of status reports in this regard by the Director General of Police , State of Himachal Pradesh and the SIT.

The interim order granted shall continue until further orders.

(M.S. Ramachandra Rao)
Chief Justice.

(Jyotsna Rewal Dua)
Judge.

Date: 23.9.2024