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SLP(Crl.)No. 4314 OF 2000

ITEM No.203

Court No. 4

SECTION II  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 4314/2000  
(From the judgement and order dated 10/05/2000/19.5.2000 in CRLWP  
1104/99 of The HIGH COURT OF DELHI AT N. DELHI)

V.S. MALIK

Petitioner (s)

VERSUS

STATE OF N.C.T DELHI & ORS.

Respondent (s)

(For Final Disposal)

Date : 23/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. Sushil Kumar, Sr. Adv.  
Mr. R.P. Wadhvani, Adv.  
Mr. Sanjay Jain, Adv.

For Respondent (s) Mr. Anoop G. Choudhary, Sr. Adv.  
Mr. D.S. Mahra, Adv.  
Mr. K.C. Kaushik, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....J.  
.SP2

The Special Leave Petition is disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@  
AA  
COURT MASTER COURT MASTER

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRL) NO.4314/2000@@  
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V.S. Malik ...Petitioner

Vs.

State of NCT Delhi & Ors. ...Respondents

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.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2

This application has been filed by the Inspector, who is alleged to have pressurised the writ petitioner in Criminal W.P.No. 1104/1999. It was alleged by the writ petitioner that the Inspector went to her house at 10.00 P.M. on 9th May, 2000 and pressurised her. On the basis of the statement made by the writ petitioner before the Court and the Inspector having admitted that he visited the house but only to inform that the polography of Raj Kumar has been fixed and not for any other purpose, the Court came to the conclusion that conduct of the inspector deserves an enquiry. The Court therefore directed transfer of the investigation, and further order that the Commissioner of Police may take appropriate action against the defaulting officials. Mr. Sushil Kumar appearing for the Inspector contends that the conclusion of the learned Judge that the Inspector is not taking a fair and impartial view of the complaints, is one based on no evidence, and further in the absence of any material, could not have directed the Commissioner of Police to take appropriate action by treating the officials to be

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defaulting officials. Mr. Sushil Kumar further says that, in fact, there has been no complaint by the writ petitioner. In our considered opinion, the Court appears to have come to a tentative conclusion on the basis of statement made by the writ petitioner Mamta, and the statement of the Inspector himself that he did visit the house of Mamta. Though, according to the Inspector the purpose was to intimate that the polography of her brother has been fixed at 9.20 a.m. on the next day. The conclusion arrived at this stage of the proceedings cannot be said to be totally alien to the matter in issue, and therefore question of expunging the observations made does not arise, but we make it clear that in the so-called departmental enquiry, which is said to have already been initiated, the appropriate authorities will come to their own conclusion on the basis of materials to be produced, and any observations made in the order dated 10.5.2000 will not weigh with them in any manner.

The SLP is disposed of accordingly.

.....J.  
(G.B. PATTANAİK)

New Delhi,  
March 23, 2001

.....J.  
(U.C. BANERJEE)