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

+ **W.P.(CRL) 679/2021 & CRL.M.A. 4972/2021**

UMAIR SIDDIQUI

..... Petitioner

Through: Mr. M. Sufian Siddiqui, Mr. Rakesh Bhugra, Advs.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Ms. Richa Kapoor, ASC with Ms. Shivani Sharma, Adv. with SI Sohan Lal, PS Chandni Mahal.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **23.03.2021**

CRL.M.A. 4972/2021 (Exemption)

Exemption allowed, subject to just exceptions.

W.P.(CRL) 679/2021

The petitioner vide the present petition has made the following prayers:

a. Direct the respondent to conduct and conclude the Preliminary Inquiry in a fair, impartial and time-bound manner under the direct supervision of a Joint Commissioner of Police or by a Police Officer of a higher rank on the Petitioner's Complaint dated: 27.01.2021 and the communications sent subsequent thereto concerning the incident dated: 25.01.2021, which discloses commission of cognizable offences inter-alia grievous hurt, illegal detention, merciless beating by the officials of Police Post Turkman Gate, P.S. Chandni Mahal, Central-District, Delhi. And

b. Direct the respondent to forthwith secure and place on record the CCTV footage of all the Cameras installed in and around the Police Post Turkman Gate, P.S. Chandni Mahal, Central

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District, Delhi pertaining to the incident dated: 25.01.2021 from 09.00 P.M onwards till midnight, before this Hon'ble Court, in terms of the Hon'ble Supreme Court's judgment dated: 02.12.2020 passed in the case of "Paramvir Singh Saini vs Baljit Singh & Others" Special Leave Petition (Criminal) No.3543/2020. And

c. Direct the respondent to formulate a pragmatic mechanism to ensure strict compliance of the directions as contained in Para no.120 of the Supreme Court's judgment viz. 'Lalita Kumari vs Govt. of UP.' And Para no.24 of this Hon'ble Court's judgment viz. 'Kirti Vashisht vs. State of Ors..

d. Grant any other further relief, which this Ho'ble Court may deem fit and property in the facts and circumstances of the present case."

It has been submitted on behalf of the petitioner that there has been a flagrant violation of Article 21 of the Constitution of India. It is submitted on behalf of the petitioner that qua the entire incident that has taken place, the same is stored in the two CCTV cameras installed at the Turkman Gate Police Post and that the police has illegally detained the petitioner and others and mercilessly beaten them.

It has been submitted on behalf of the State at the outset that the averments that have been made through the petition and the contentions raised on behalf of the petitioner are erroneous and the matter in fact related to a dispute between the husband and wife and the petitioner is the cousin of the husband, between whom, there has been a dispute and that the petitioner herein has also subsequently submitted before the police authorities that he did not want any action.

Notice of the petition is issued and accepted on behalf of the State. The status report be submitted by the State with a copy thereof being

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supplied in advance to the petitioner through counsel.

In the meantime, the State shall ensure that the footage of the CCTV cameras installed at the Turkman Gate Police Post on 25.01.2021 from 7 pm onwards as well as of the camera installed outside the said police post be preserved, qua which, it is submitted by the learned ASC that in the event of the said CCTV footage being available, the same would be preserved. The print outs thereof be placed on record.

The updated status report be submitted.

Renotify for 08.04.2021.

ANU MALHOTRA, J

MARCH 23, 2021

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