

(2020) 06 DEL CK 0175

In the Delhi High Court

Case No : Criminal Writ Petition No. 976 Of 2020

Narendra Sharma

APPELLANT

Vs

State & Ors.

RESPONDENT

Date of Decision : 29-06-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 157

Citation : (2020) 06 DEL CK 0175

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;Prateek Jalan, J

Bench : Division Bench

Advocate : Rahul Mehra, Chaitanya Gosain

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

Proceedings of the matter have been conducted through video conferencing.

1. This Public Interest Litigation has been preferred with the following prayers:-

â??a) the respondents to prepare mechanism for strict compliance for uploading the copy of the FIR being registered by them in their

respective police stations within 24 hours from lodging of the same.

b) Pass any such other or further order(s) which this Honâ??ble Court may deem fit and proper in the facts and circumstances of the case

in the light of the above averments and in the interest of justice.â??

2. Having heard the petitioner in person and the counsel for the respondent - State, it appears that the petitioner, who is an Advocate, had applied for a

copy of the FIR, as stated in this writ petition, to Police Station Fatehpur Beri, New Delhi as the same was not uploaded in terms of decision given by

this Court in W.P.(Crl.) No.468/2010 reported in 2010 (175) DLT 110.

3. Learned counsel for the respondent - State submitted that pursuant to aforesaid judgment, Circular No.4/2011 dated 20.01.2011 has already been issued. Certain exceptions have also been carved out for cases of sensitive nature in the judgment of this Court. Thereafter, vide a decision

propounded by Honâ??ble the Supreme Court on 07.09.2016, in W.P.(Crl.) No.68/2016, the directions of this Court have been reiterated by

Honâ??ble the Supreme Court. It is further submitted by Mr. Rahul Mehra that as per the aforesaid judgment of the Honâ??ble Supreme Court, if

the FIR is not uploaded on the Police website on the ground that information is of sensitive nature, the person can submit a representation to

Superintendent of Police/Commissioner of Police and decision is taken by such Officers of Police department accordingly.

4. It is further submitted by Mr. Rahul Mehra, learned Standing Counsel (Crl.) that whenever such powers are being exercised by the ACP in Delhi

regarding not uploading the FIR, immediate information is being given to the area Magistrate. There is also a High Powered Committee of multi

members, constituted by the Commissioner of Police before which this petitioner could have ventilated his grievances, which this petitioner has not

availed.

5. In view of the aforesaid submissions and also looking to the fact that the rule has its own exceptions, and also looking to the fact that the exceptions

have been carved out by Honâ??ble the Supreme Court, by a later judgment passed in W.P.(Crl.) No.68/2016 dated 07.09.2016 reported as 2016 (9)

SCC 473, now the powers to take decision not to upload the FIR, is vested with high ranking administrative officers in the Police Department. Even

otherwise also, copy of the FIR is to be sent to the concerned Magistrate as per the provisions of Section 157 of Cr.P.C., 1973.

6. In view of these facts and the provisions of law, we see no reason to entertain this writ petition at this stage. For any individual grievance, the

petitioner is at liberty to take other remedies in accordance with law.

7. The petition is disposed of with these observations.