
(2020) 02 DEL CK 0022

In the Delhi High Court

Case No : Criminal Writ Petition No. 310 Of 2020

Shrikant Prasad

APPELLANT

Vs

Delhi Police

RESPONDENT

Date of Decision : 03-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 200

Citation : (2020) 02 DEL CK 0022

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

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

"1.Direct the Respondent for compliance of the guidelines issued by the Supreme Court related to mandatory Registration of an FIR as decided in the case of Lalita Kumari vs state of Uttar Pradesh 2013.

2. Direct the Respondent for framing proper rule and regulation for entertaining informant with good behaviour so that informant can approach police authorities without any hesitation.

3. Direct the Respondent for entertaining of complaint of non-cognizable offences and make the respondent duty bound to send it to the magistrate of local concern jurisdiction u/s 200 of Cr.P.C. 1973 because a common man do not know how to deal with the complaint case and he remains in misconception that police is doing nothing in the case.

4. Direct Respondent to mandatory providing of C.C.T.N.S. number for checking the status of their complaint which they informed to the police in police station, so that unnecessary wastage of time of informant could be reduced.

5. Direct the respondent to install a wider view camera on every vehicle of Delhi police and to keep a small shoulder camera on all the staff of Delhi police so that the abusing behaviour and conduct of respondent is restricted and their illegality of conduct is monitored everywhere.

6. Direct the respondent to keep at least one person of CBI department in every police station who has good knowledge of law which help in writing of FIR and will curb on the illegal conduct of the police station officials inside the police station.

7. Direct the respondent to provide a complaint box in every police station in which any person put any suggestion/complaint against any police staff and it must be under the control of DCP of the concern area.

8. Direct respondent to take a strict action against those who do not register FIR and evade their duty by not investigating the matter instantly and aids in mitigating of substantial evidence and witness."

2. Having heard the petitioner in person and looking to the facts and circumstances of the case, it appears that the petitioner is in search of directions to be given to the respondent to follow the judgment delivered by the Hon'ble Supreme Court as well as giving guidelines to the police for maintaining good behaviour and also directing the police to send complaint of non-cognizable offence to the magistrate under the Code of Criminal Procedure and for providing tracking number to the complainant for checking the status of their complaints and such other prayers.

3. It appears that as and when such type of violation of the principles propounded by the Hon'ble Supreme Court in criminal jurisprudence is pointed out to this Court in an individual writ petition or in an individual matter, all care can be taken by the Court looking to the facts of the case of petitioner/plaintiff. No general direction/order can be issued by this Court. It is expected from the respondent to follow the decision rendered by the Hon'ble Supreme Court even otherwise also the judgments delivered by the Hon'ble Supreme Court are bound to be followed by the respondent.

4. Similarly, no direction can be given to the police laying down the guidelines of good behaviour. It appears that in the mind of the petitioner there is a wrong presumption about the behaviour of the police. However, no such order can be passed on presumptions and surmises.

5. This petitioner is also in search of sending out the matter to the Magistrate after the FIR is registered. It appears that there is already enough and adequate provisions available under Code of Criminal Procedure that at the earliest the FIR be sent to the concerned Magistrate. It appears that the petitioner is a student of 2nd year LL.B. The details of the Criminal Procedure Code are bound to be followed by the police. Over and above, the statutory and mandatory duty of the police is already pointed out in the Criminal Procedure Code. Violation of any

provisions of Criminal Procedure Code can be taken care of but no general guidelines can be issued that respondent should follow Code of Criminal Procedure. There is every presumption that respondent is following the law scrupulously. Therefore, violation of any law should be pointed out categorically. In view of these reasons, there is no substance in this writ petition and the same is therefore dismissed.