



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2214/2020

This the 04th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Mr. Subhash Malik (aged 52 years),
Inspector No. D-I/719,
PIS No. 16920019,
South Zone/PCR (Delhi Police),
New Delhi.

... Applicant

(through Mr. Mritunjay Kr. Singh, Advocate)

Versus

1. Commissioner of Police,
Delhi Police,
Police Head Quarters (PHQ),
IP Estate, New Delhi – 110002.

2. Additional Commissioner of Police,
Operations & Modernisation (PCR),
Delhi Police, PHQ,
IP Estate, New Delhi – 110002.

3. Additional DCP (PCR),
Delhi Police, PHQ,
IP Estate, New Delhi – 110002.

4. Jt. Commissioner of Police,
Operations,
Delhi Police, PHQ,
IP Estate, New Delhi – 110002.

... Respondents

(through Ms. Esha Mazumdar, Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The people have general perception that the Delhi Police is efficient and is perfect in handling sensitive cases. However, if one takes into account the facts that are borne out by record in this case, the perception is bound to change. The incident which has taken place right under the nose of the Delhi Police would not have occurred in any place even in the remotest corner of India also. The inevitable conclusion is that a group of police officials of the reputed Delhi Police have paved the way for one of the most heinous social crimes. The sad part of it is that even after the Hon'ble Delhi High Court expressed its inability on account of sequence of the events that occurred right under the nose of the Delhi Police, there was no change in the attitude. The applicant happened to be one of the group of officials who created a congenial atmosphere for the entire episode. The facts that gave rise to the filing of this OA are as under :

2. On 30.08.2016, one Mr. Anil Kumar, S/o Gopalji, R/o J.J. Camp, Tigri, New Delhi filed a complaint in the Safdarjung Enclave Police Station alleging that his wife Mrs. Radha eloped with one Mr.Nasiruddin, S/o Shri



Nizamuddin. He has also furnished the mobile numbers of both the persons. No FIR was registered on the complaint. One Mr. Suresh Chand Verma was the Station House Officer and he is said to have entrusted the inquiry into the complaint to a Sub Inspector by name Mr. Suresh, on the same day. Having waited for months together, but without any result, Mr. Anil Kumar filed a writ of Habeas Corpus before the Hon'ble High Court in November, 2017. In compliance with the directions issued by the Hon'ble High Court, the woman was traced and produced before the Court. By the time, the lady was produced before the Court, the applicant herein was transferred to Safdarjung Enclave Police Station on 14.06.2017. He too did not take any steps on the issue.

3. The applicant herein is said to have filed a report before the Hon'ble High Court. It reveals that the woman was converted into Islam in Lucknow and she has also become pregnant. The Hon'ble High Court expressed its deep concern and anguish that it could not grant any relief. It also expressed its concern about the serious lapse on the part of the Delhi Police. It is at that stage, that the administration initiated disciplinary action against the concerned SHOs and Inspectors. Charge Memos were issued to all of them and the departmental

inquiry was conducted. The disciplinary authority passed an order dated 22.03.2019 imposing the punishment of Censure on the applicant and on Inspector Mr. Suresh Chand Verma. The Sub Inspector of Police Mr. Suresh was imposed the punishment of temporary forfeiture of one year approved service.



4. In the appeal preferred by the applicant herein and the Inspector Mr. Suresh Chand Verma, the Appellate Authority passed an order dated 04.09.2019, rejecting the same. The said order together, with the report of the Inquiry Officer, order of punishment, etc., are challenged in the OA.

5. Mr. Mritunjay Kumar Singh, learned counsel for the applicant submits that his client was posted in the Safarjung Enclave Police Station long after the complaint was submitted and it cannot be said that there was any lapse on his part. He further submits that once the applicant noticed that SI Suresh Kumar neglected the case, he issued several notices and it was because of the initiative taken by him that the lady was traced and produced before the High Court. He contends that the punishment of censure ought not have imposed on his client. He has also referred to letters said to have written

by the applicant to the concerned DCP, about the lapses on the part of SI Suresh Kumar.



6. Ms. Esha Mazumdar, learned counsel for the respondents submits that the enquiry was conducted strictly in accordance with the prescribed procedure and that the disciplinary authority has imposed appropriate punishment. She contends that the appellate authority has also discussed the matter at length and no interference is warranted.

7. We come across cases of various categories ranging from murders to petty crimes day in and day out. The result of those crimes are certainly matters of serious concern to the persons who are the victims thereof or their kin. However, the consequences that flow from the elopement of a married woman with children, with another person is something which leaves her former husband and the child through him in a matter of deep concern if not shame, for rest of their lives. The social impact is such that it far exceeds the one of heinous, crimes.

8. We are also aware of the fact that in cases of missing of persons the police would be either clueless or they have to struggle a lot to trace the missing persons. However where the complaint is submitted duly indicating the

particulars of persons as well as the phone numbers it should not be a difficult task at all for police to trace him or her. This is particularly so, when the complaint is about elopement and the details of both the persons are furnished.



9. The Delhi Police which takes pride in solving hundreds of high ended crimes with justification, must feel sorry that right in the area of its high profiled police station i.e. Safdurjung Enclave the case of elopement of a married women abandoning her husband and their child takes place and the police remained so indifferent that they did not even file an FIR. Still worrying is that despite the particulars being furnished, no tangible steps were taken till the Hon'ble High Court issued notices in a writ of Habeas Corpus filed, months after the submission of the complaint. The complainant Mr. Anil Kumar furnished the phone number of his wife and the person with whom she is suspected to have eloped. The child was without his mother and the man was hanging his head in shame. However, the police officers were just enjoying, may be for their own reasons.

10. In the course of enquiry, it emerged that the Sub Inspector of police was able to contact the woman within



two days. However, no tangible steps were taken by him on record. The then Inspector feigned ignorance. The applicant, who came in his place tried to create an altogether different scene. The IO observed that the applicant was the officer, who came to know of the incident even before the writ of Habeas Corpus was filed, but presented a different picture altogether to the higher administration. He found that the applicant is guilty of the misconduct alleged against him.

11. The net result is that the husband of that lady had to remain as a mute spectator when his wife eloped with another person and their child is driven to ignominy, for the rest of their lives. All this could have been avoided, had the police officials exhibited ordinary diligence. The indifference exhibited by them cannot be said to be that innocent. What is more startling is that the disciplinary authority had chosen to honour the applicant herein with just a censure for the serious lapse. Added to that, Mr. Suresh Kumar, who was responsible for lapse in the entire episode, was just let out with temporary forfeiture of one year of approved service. In any other organization, the Disciplinary Authority himself would have been exposed to disciplinary proceedings for such inefficient handling of the serious issue. It is because of persons of such pliable

tendencies, the police organization loses its efficiency. On the other hand, it becomes a helping hand for such heinous crimes. It is hoped that the higher authorities including the Hon'ble Lieutenant Governor would take the issue seriously and ensure that such incidents do not occur and the persons who are part of that indifference do not remain in the disciplined force like the Delhi Police.



12. We do not find any merit in the present OA and the same is dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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