

LOKPAL OF INDIA
[Plot No. 6, Institutional Area, Phase-II, Vasant Kunj]
New Delhi - 110070

Complaint No. : 4435/2022.
Date : January 11, 2023.
Coram : **Justice Abhilasha Kumari**
Judicial Member
Shri Mahender Singh
Member
Dr. Indrajeet P.Gautam
Member

ORDER

This complaint has been filed against two Sub-Inspectors (SI) of the Delhi Police, named in the complaint, and referred to as the first and second public servant, respectively.

2. The genesis of the dispute is as follows:

A quarrel had taken place on 17/09/2020 on the issue of passing of vehicles in front of the complainant's house, between the family members of the complainant and the opposite party. On receipt of a telephone call, the first public servant, along with another SI, visited pocket F-22, Sector 3, Rohini, Delhi, where the incident had occurred. Both the families involved in the quarrel were directed to visit the South Rohini Police station to get their statements recorded, which was done. The two sons and the daughter of the complainant were told to sit in a room at the Police Station. The daughter of the complainant then reported, to the second public servant, that she had sustained injuries that were caused by the daughter-in-law of the opposite party and requested

for a medical examination. The second public servant took her for a medical examination. At that point of time, it is alleged that the first public servant came there and allegedly demanded a bribe of Rs. 6 (six) lakhs from one of the sons of the complainant, in the presence of his brother, for not registering a criminal case against them. The complainant's son refused to pay the bribe, therefore, the first public servant threatened him with dire consequences.

3. Thereafter, the second public servant came into the room and allegedly demanded a bribe of Rs. 4 (four) lakhs from the son of the complainant, in the presence of his brother, for not registering a case against them, which demand was also refused. Consequently, it is alleged, that the second public servant threatened them that a strong criminal case would be registered against them.

4. There is another allegation to the effect that when the daughter of the complainant was alone in the room at the police station, the first public servant misbehaved with her and touched her inappropriately. This incident was brought to the notice of the then SHO of police station South Rohini, by her father on 17.7.2020. The same evening, one of the sons of the complainant was arrested in connection with FIR NO. 261/2020 filed in PS South Rohini.

5. Thereafter, on 18.7.2020, the second public servant, who was also the Investigating Officer (IO) of the case, took the arrested son of the complainant to the Tihar Jail Complex in a public vehicle, to be produced before the Court. A constable (named in the complaint) accompanied them. The other son and the complainant



followed them in a private vehicle. The other son of the complainant allegedly received a telephonic call on his mobile number from his arrested brother, who had used the constable's mobile to make the call. The arrested person told his brother that the second public servant was demanding Rs. 2 (two) lakhs for not opposing his bail and not adding more penal sections. This demand was refused by the arrested person.

6. It is, therefore, alleged that the first public servant demanded a bribe of Rs. 6 lakhs on 17.7.2020. The second public servant demanded a bribe of Rs. 4 lakhs on 17.7.2020 and again, on 18.7.2020, she demanded a bribe of Rs. 2 lakh.

7. The Full Bench of the Lokpal of India perused the complaint on 19.9.2022 and, by an order of that date, referred the matter to the Central Vigilance Commission (CVC) for causing a Preliminary Inquiry under Section 20(1(a) read with Section 20(2) of the Lokpal and Lokayuktas Act, 2013, through the DSPE/CBI and to submit the report on, or before, 4th November, 2022.

8. The report of the Preliminary Inquiry has now been received vide covering letter dated 13.11/12.2022 of the CBI.

9. We have perused the report in detail. In the background of the factual matrix set out above, the CBI has found that there is no independent evidence regarding the alleged demand of a bribe of Rs. 6 (six) lakhs by the first public servant, from the complainant's son. Only the statements of the complainant and his sons are on record. As they are interested parties, in the absence of any corroborative evidence in this regard, this allegation against the first public servant, could not be



substantiated. It is on record in the comments offered by the first public servant that he had enquired into a family dispute between the complainant's son and his wife, therefore, the complainant has a grudge against him.

10. Regarding the alleged demand of Rs. 4 (four) lakhs bribe by the second public servant from the son of the complainant, as well, there is no independent evidence available to corroborate this allegation of the complainant, as he and his sons are interested parties. The alleged demand of a bribe of Rs. 2 (two) lakhs by the second public servant, also could not be substantiated for the same reason.

11. The complainant has placed on record a Compact Disc (CD) of a recorded conversation between his son and the second public servant, wherein the son asked the second public servant to disclose the amount to be given to her, and she is heard telling him not to visit the PS even on the call of senior police officers, and that she would speak to him the next day. We have heard the contents of the CD and this conversation is quite clear.

12. It is stated in the report of the Preliminary Inquiry that the ACP (Vigilance) has, vide his Inquiry Report dated 12.8.2020, recommended that departmental proceedings be initiated against the second public servant, for gross misconduct, in not countering the offer of a bribe, during her conversation with the complainant's son. Initiation of departmental proceedings against the constable who permitted the use of his mobile phone to the complainant's son has also been recommended. However, the constable has not been named in the complaint and no allegations have been levelled

against him. Therefore, we refrain from making any observations regarding him.

13. Upon consideration of the material on record as well as the Report of the Preliminary Inquiry, we are of the view that appropriate action has been suggested against the second public servant, whose behavior, actions and conversation certainly arouse suspicion, apart from constituting gross misconduct.

14. We, therefore, direct the Commissioner of Police, Delhi, to ensure the completion of the departmental proceedings against the second public servant, within a period of 3 (three) months from the date of receipt of this order, with intimation regarding the outcome, to the Lokpal of India.

15. A copy of this order may also be sent to the Commissioner of Police, Delhi for compliance.

16. Subject to the above directions, the complaint is closed and disposed of.



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