

28.10.2020

Present: Sri. Adil S. Pujari, Ld. Counsel for complainant

Proceedings conducted through video conferencing.

Arguments already heard on application U/s 156(3) Cr.P.C. moved on behalf of complainant seeking registration of FIR.

2. Ld. Counsel had argued that a criminal conspiracy has been hatched by antisocial elements and teachers and students of JNU campus where hostel and their property were damaged. He also submitted that being victim of mob violence at Sabarnati Tea Point on JNU Campus on 05.01.2020, a separate complaint was given by the complainant on 06.01.2020 at PS Vasant Kunj(North) but no action was taken and it was told that her complaint has been transferred to Crime Branch. He further pointed out that a representation was given to Spl. CP as well as Joint CP (Crime Branch) on 10.01.2020, but still no action was taken despite the fact that complainant not only suffered head injury but her car was also vandalised by the violent mob who unleashed terror on the JNU campus on 05.01.2020. He argued that separate FIR is the norm into separate acts of violence and if such conspiracy is furthered into several distinct offences there has to be separate trial. He cited that if as a result of general conspiracy, offences take place in various parts of India and several persons are killed at different times, such offences to be registered and investigated separately and cannot be clubbed in one FIR. He prays that directions be issued for registration of FIR and investigation for offences u/s 147/148/149/307/323/325/326/336/337/425/S06 and 120B IPC.

3. Status Report is already on record. As per report, three cases vide FIR No. 03/2020, 04/2020 and 06/2020 registered at PS Vasant Kunj (North) in relation to occurrence of violence at JNU campus between 3rd January to 5th January 2020 were transferred to Crime Branch and the

complaint of the complainant was received on 06.01.2020 which has also been transferred to Crime Branch for investigation in FIR no. 06/2020 PS Vasahi Kunj (North). It is further mentioned that MLC of complainant is also collected from AITMS which outlined the nature of injuries suffered by the complainant as 'simple blunt' and statement of complainant is already recorded on 20.02.2020.

4. Heard. Perused.

5. It has been held in "*Ramesh Kumari vs. State*" 1 AD (CR) SC 505 that whenever any offence discloses commission of cognizable offence, FIR has to be registered. It was further held that genuineness or credibility of the said information is not a condition precedent for registration of case.

6. It has also been held in judgment of Hon'ble Supreme Court of India in "*Lalita Kumari Vs. Govt. of U.P. & ors.*", *Crl. Writ Petition 68 of 2008, decided on 12.11.2013*, that it is the duty of police to register FIR if information discloses commission of cognizable offences.

7. The basic grievance of the complainant is that separate FIR is not registered on her complaint. But it has not been pointed out by Ld. Counsel for complainant that whether complainant has any apprehension that her complaint will not be investigated in FIR no. 06/2020, more so when her statement u/s 161 Crpc already recorded by IO of said FIR.

8. To decide whether separate FIR is to be registered on the complaint of complainant, it is to be seen as to whether the action of violent mob on the JNU campus on 05.01.2020 in which complainant is injured and damage caused to her car has any proximity of time and unity of

community of purpose or design for which FIR 06/2020 already registered at PS Vasant Kunj (North) and being investigated by Crime Branch.

9. As per averments in the application, the complainant along with students and other teachers were holding meeting at Sabarnati Tea Point on 05.01.2020 and at about 6-6:30 pm, it was learnt that a mob armed with deadly weapons has gathered at Periyar Hostel which while reached the meeting venue started pelting stones and beating the students and teachers in which complainant also suffered injuries.

10. As per status report, the FIR no. 06/2020 PS Vasant Kunj (north) was registered for the said violent act of the mob which gathered at Periyar Hostel, JNU.

11. This implies that injuries suffered by number of persons including the complainant was a result of violent act which forms part of same transaction for which FIR already registered as it not only has proximity in time and place but also the damage to property and the injuries suffered by the complainant and other persons.

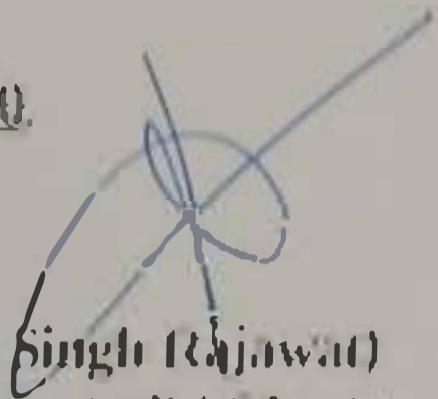
12. Hence, I am satisfied that no directions are required for registering separate FIR on the complaint made by the complainant. Accordingly, application u/s 156(3) crpc stands dismissed.

13. However, DCP (crime branch) is directed to file status report of the investigation of FIR No. 06/2020 PS Vasant Kunj (North) in terms of order of Hon'ble High Court of Delhi in WP (Crl.) 80/2020 dated 14.01.2020 for 19.12.2020.



14. A copy of order be sent to complainant for information and also to DCP (Crime Branch) for compliance.

15. Put up for awaiting report for 19.12.2020.



(Pawan Singh Rajawat)

CMM: New Delhi District:

Patiala House Courts: New Delhi

28.10.2020

Bar and
Bench

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