

Hari Om Gupta Vs State of Delhi and ors.

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Court : Delhi

Decided On : Aug-16-2010

Judge : Mr. Sanjiv Khanna, J.

Appeal No. : W.P.(CRL) 82/2010

Appellant : Hari Om Gupta

Respondent : State of Delhi and ors.

Advocate for Def. : Mr. Arvind Kumar Gupta, Adv.

Advocate for Pet/Ap. : Mr. Dalip Singh, Adv.

Judgement :

ORDER

1. The petitioner herein is a senior Journalist and he is an Executive Member of Delhi Journalists Association. He has filed the present petition for direction to Delhi Police to provide security cover to the petitioner and his family members and to take action against the respondent No. 5, Mr. Narender Sharma.

2. Though notice has not been issued, Delhi Police has filed status report.

3. It is stated in the status report that respondent No. 5, Mr. Narender Sharma's daughter Garima aged about seven years was found dead in a park on 9th May, 2003 and FIR No. 164/2003 under Section 302 IPC Police Station Keshavpuram was registered. The said case is still pending investigation with Anti Homicide Section, Crime Branch, Delhi. Mr. Narender Sharma had suspected Mr. Kapil Gupta, son of the petitioner. It is stated in the status report that Mr. Kapil Gupta was interrogated. It is also stated that High Court vide order dated 3rd July, 2009 allowed the writ petition filed by Mr. Kapil Gupta and had directed that he shall not be subjected to undergo Narco Analysis test because he was suffering from chronic schizophrenia and there was risk of escalation of his psychotic state.

4. It is stated in the status report that due to the said incident, there were quarrels and tension between the two families of the petitioner and Mr. Narender Sharma, the respondent No. 5 and preventive action under Section 107/150 Cr.P.C. was initiated by DD entry No. 45B dated 24th March, 2007 but the same has been disposed of. After the said incident, the petitioner had shifted to a different house in the same colony but now the petitioner has come back and is residing in his earlier house which is in front of the house of Mr. Narender Sharma, respondent No. 5.

5. In the status report it is stated that police staff has been deputed to monitor the situation and to ensure that there is no quarrel between the petitioner and the respondent No. 5 and they do not abuse or misbehave with each other. The status report further states that statements of neighbours of the petitioner and the respondent No. 5 have been recorded and they have stated that no quarrel has taken place between the two

families for last two-three months. Some allegations have also been made against Mr. Kapil Gupta.

6. In view of the aforesaid position, I do not think any orders are required to be passed in the present petition. Delhi Police is conscious of their obligation and responsibilities. They have already taken steps. Delhi Police in terms of the status report will continue to monitor the situation and take preventive or punitive steps as may be required. The petition is accordingly disposed of.

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