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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL. A - 292/2020

BIJENDER SINGH

.... Petitioner

Through Mr. Vikas Pahwa, Sr. Advocate with  
Shadman Ahmed Siddiqui advocate.

versus

STATE & ANR.

.... Respondents

Through Ms. Rajni Gupta, APP for the State.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

% **15.04.2020**

The hearing has been conducted through Video Conferencing.

**Crl. M.A.No. 5797/2020**

Exemption allowed subject to just exceptions.

The application stands disposed of.

**CRL. A -292/2020 & Crl.M.A No. 5796/2020**

1. Issue notice. Learned APP for the State, who appears on advance notice, accepts notice.
2. The petitioner has filed the present appeal challenging the impugned order dated 29.02.2020. The instant appeal has been preferred by the appellant U/s 14 A of the SC and ST (Prevention of Atrocities) Act, 1989 read with section 482 Cr.P.C. against the impugned order dated 29.02.2020 whereby the Ld. ASJ has directed that an FIR be registered against the appellant U/s 4 of the SC/ST (POA) Act, 1989.

3. It is submitted by the Ld. Sr. counsel for the appellant that the petitioner was the investigating officer in case FIR No. 261/2019 U/s 3 (1) (c)/3(1)® of SC/ST (POA) Act, 1989 r/w Section 506/34 IPC with PS Baba Haridas Nagar, District Dwarka, Delhi on the complaint of the respondent No. 2 and that the petitioner in discharge of his official duty has conducted fair, impartial and bonafide detailed investigation and filed the charge sheet on 16.08.2019. It is further argued that on bare reading of Section 4 of the Act it shows that no order directing the registration of FIR against the investigating officer for wilfully neglecting the duties U/s 4 of the Act can be passed without any administrative inquiry having been conducted against the appellant which could prove that the appellant wilfully neglected his duties. It is further submitted by the Ld. Sr. counsel for the appellant that the impugned order is dated 29.02.2020 and till date no FIR has been registered.

4. On the other hand, it is submitted by the Ld. APP that she needs time to file the status report and she is not aware as to whether FIR till date has been registered or not.

5. Issue notice to respondent No. 2 on steps being taken by the petitioner by all possible modes. Status report be filed under the signatures of joint C.P. and in case FIR is not registered till date then the registration of the FIR against the appellant is stayed till further orders.

6. With aforesaid terms, the CrI.M.A No. 5796/2020 is disposed of.

7. List on 18.05.2020.

**RAJNISH BHATNAGAR, J**

**APRIL 15, 2020**

Sumant