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

+ W.P.(C) 11382/2017

FOUNDATION FOR SOCIAL
EMPOWERMENT

..... Petitioner

Through: Mr. Shalabh Gupta,
Mr. Amandeep Soni,
Mr. Sohan Peswal,
Mr. Madhur Arora,
Mr. Aditya Laroia and
Ms. Sonakshi Gupta, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through : Mr. Nivesh Sharma, Adv.
for Mr. Anil Soni, CGSC for
R-1/UOI.

Mr. Rahul Mehra, Standing
Counsel (Criminal) with Mr.
Satyakam, ASC, Mr. Tushar
Sannu and Mr. Chaitanya
Gosain, Advs. for R-2 to 4 –
State/GNCTD with ACP
Tanu Sharma and SI
Awdesh, P.S. Vijay Vihar
Mr. Amol Kokne, Adv. for
R-6.

Mr. Vivek Goyal, CGSC
with Mr. Rajeev Ranjan
Shahi and Mr. Harsh Pandit,
Advs. for R-7/NCW.

Ms. Swati Maliwal,
Chairperson of R-8/DCW.
Mr. Ripu Daman Bhardwaj,
SPP for R-CBI with
Mr. Manoj Pant, Adv. and

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Mr. S.K. Jha,
Dy.SP/SIT/CBI
Ms. Nandita Rao, Mr. Ajay
Verma, Adv. (members of
the committee).

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
04.01.2018

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1. Pursuant to the last order Mr. Deepak Anthony D'silva is present in court today. We are informed by both Mr. Amol Kokne, ld. counsel appearing for respondent no.6 and Mr. Deepak Anthony D'Silva that they do not know the whereabouts of Mr. Virender Dev Dixit – respondent no.5 herein.
 2. On the 22nd of December 2017, we had directed the Special Investigation Team (SIT) of the Central Bureau of Investigation to take steps to trace out the whereabouts of the respondent no.5 and inform this court. This direction shall be complied with forthwith. The CBI shall inform this court about the whereabouts of the respondent no.5 before the next date of hearing.
 3. We are informed that Mr. Narender Mann, Special P.P. appearing for SIT of Central Bureau of Investigation has suffered a bereavement of a close relative and is therefore, unable to appear before this court today.
 4. Time is sought by Mr. Amol Kokne, ld. counsel appearing for respondent no.6 to file a response on behalf of
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respondent no.6 as well as response to the notice to show cause issued by us to Ms. Ruchi Gupta as to why contempt of court proceedings be not initiated against her.

The responses shall be positively filed within one week from today as requested. Copies of the same shall be furnished to counsel for the petitioner and to Mr. Ajay Verma, member of the committee appointed by us on its behalf. Let copies of the same be also furnished to other ld. counsels appearing for the respondents.

5. We also give time to the other respondents to file their status reports/affidavits within four weeks from today.

6. The team appointed by us on 19th December, 2017 shall also file their status reports of the inspections conducted by them on or before the next date of hearing.

7. The DCPs of the Police Stations Vijay Vihar, Uttam Nagar, Karawal Nagar, Nangloi and Palam shall ensure that all documents which were seized by the team appointed by us and handed over to the police, are forwarded to the Central Bureau of Investigation within one week from today.

8. We are informed by ld. counsel for the petitioner that after filing of the present writ petition, the respondent no.6 is instigating its inmates to lodge false complaints against their relatives to discourage them from pursuing the present litigation as well as the complaints made by them against the respondent nos.5 and 6.

These complaints being filed by inmates years (even decades) after they started living in the respondent no.6 *prima*



facie appear to be not only false but clearly motivated so as to discourage relatives from pursuing the present writ petition as well as the complaints which have been lodged against the respondent nos.5 and 6.

9. We are informed by Mr. Ajay Verma, Ms. Nandita Rao and Ms. Swati Maliwal, Members of the inspection team, that on 19th December, 2017, when they had conducted the inspection of the Vijay Vihar premises of the respondent no.6, they had found bags full of complaints of inmates of the ashram in almost identical language against their close family members.

It is difficult, if not possible, to believe that scores of women with similar allegations all against the close relatives, all came together under one roof. The fact that these complaints have all been bunched together and are in the possession and control of respondent no.6 further creates serious doubt on their veracity. On the contrary, these facts lend substance to the submissions of the petitioner.

10. These complaints have been seized and handed over to the police. The members of the inspection team submit that apparently these complaints have been obtained to cover up their activities, so as to provide shield to the respondent no.6 against any efforts by the persons to locate and trace their family members who are lodged in the ashram.

11. *Prima facie* there appears to be substance in the observations made by the members of the team before us that respondent nos.5



and 6 may be utilizing the shield of false complaints against close relatives of the inmates as a defence.

12. There also appears to be substance that these complaints appear to be motivated, so as to discourage complainants who have made allegations against the respondent nos.5 and 6 from pursuing their complaints as well as to obstruct further proceedings in the present writ petition.

13. We are informed by Mr. Rahul Mehra, Id. Standing Counsel (Criminal) for GNCTD that any complaint received from any inmates of respondent no.6 by the Delhi Police shall henceforth be immediately forwarded to the SIT of the Central Bureau of Investigation for taking action in accordance with law.

Let the same be so done.

14. List on 5th February, 2018.

15. The date earlier fixed, i.e., 17th January, 2018 shall stand cancelled.

Dasti under signatures of Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 04, 2018

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