

IN THE COURT OF DR. RAJ KUMAR SINGH, JMFC-05
CENTRAL, TIS HAZARI COURTS, DELHI

Ct. Cases 980/2025
'N'v. SI Dharmendra Nabi Karim and Ors.
PS Nabi Karim

10.09.2025
At 07:05 PM

ORDER

Present: Ms. Ritu Rana and Ms. Mukta Singh, Ld. Counsels
for applicant/complainant along with applicant/
complainant.

1. The present complaint u/s 223 of The Bhartiya Nagarik Suraksha Sanhita, 2023 (in short, "BNSS") has been filed by the complainant 'N' (identity withheld) against SI Dharmendra (proposed accused no. 1) and Insp. Ashish Singh Dalal SHO, PS Nabi Karim (proposed accused no. 2). The complaint is accompanied by separate applications u/s 175(3) of BNSS seeking directions for registration of FIR in respect of the alleged incident in question. A separate application u/s 94 BNSS seeking preservation of CCTV Footage was also moved along with the complaint. The applicant/complainant essentially alleges acts of physical assault, use of abusive and derogatory language against a woman and refusal to register an FIR despite information disclosing commission of cognizable offences committed against woman allegedly committed within the precincts of the Police Station Nabi Karim.

2. As per the application and materials on record, on 31.05.2025 at about 05:00 PM, the complainant, a practicing

Advocate, entered PS Nabi Karim with her female client and the client's pregnant daughter. It is alleged that the proposed accused no. 1 (SI Dharmendra) verbally abused her, used gendered and derogatory remarks as well as physically assaulted her. It is further alleged that when she and her client turned to leave the room of SI Dharmendra, he came from behind, struck the complainant on the head, kicked her on the back, pushed her out of the room and shut the door due to which the complainant fell on the floor. The complainant thereafter attempted to lodge a written complaint with proposed accused no. 2 i.e. Insp. Ashish Singh Dalal, SHO PS Nabi Karim seeking action besides specifically requesting facilitation of MLC. The proposed accused no. 2 allegedly refused to take the complaint or facilitate medical examination, asked her to wait while he contacted "seniors", and, after further delay, ultimately declined to receive the complaint.

3. The contemporaneous steps cited by the complainant include multiple PCR calls recorded vide GD/DD entries recorded on 31.05.2025, an e-mail sent on same night at about 10:32 PM to DCP Central, and, on the next working day i.e. 02.06.2025 she herself underwent medical examination and her MLC is on record. The steps also includes dispatching the written complaints by post to the SHO and DCP with postal proofs.

4. *Vide* a reasoned order dated 04.07.2025, this Court observed that the preservation of CCTV Footage was material to effective adjudication and essential to safeguard potential evidence and therefore, allowed the prayer u/s 94 BNSS and directed the

preservation of CCTV Footage for 31.05.2025 from 03:00 PM to 10:00 PM from all the cameras inside and surrounding PS Nabi Karim, required a compliance certificate and copy of preserved footage, and clarified that any claim of cameras being non-functional or of an area being “not covered” must be supported with cogent maintenance logs or technical verification. The direction further stipulated that the preserved footage shall not be deleted, overwritten, or tampered with in any manner. Subsequent orders monitored compliance.

5. This Court called for a point wise report from the ACP (Superior Officer) as well as from SI Dharmendra and Insp. Ashish Singh Dalal SHO PS Nabi Karim u/s 175(4) of BNSS.

6. In compliance with the above directions, multiple reports were filed, including by the ACP (Sub-Division) Pahar Ganj including GD Entries No.32A, 34A, 35A, 43A & 57A, as well as the written replies of the proposed accused SI Dharmendra and Insp. Ashish Singh Dalal, denying all allegations and asserting that it was the complainant who had created obstruction and disrupted the working of PS. A later report claimed that the particular room of the alleged incident had no CCTV installed due to privacy and plumbing repairs.

7. The CCTV Footages of certain parts of the PS have been placed on record by the ACP and also by the complainant. The report filed by ACP claims that the alleged place of incident is not covered by CCTV Camera nor the CCTV Footage placed on

record are interpolated or tampered with in any manner. Conversely, the complainant alleges deliberate withholding of the relevant CCTV Footage and tampering with the footage placed on record.

8. In the above backdrop - allegation inside a police station, against police personnel, with CCTV Preservation and contested authenticity, and a documented approach to the SHO and DCP - the threshold inquiry u/s 175(3) of BNSS turns on whether the information *prima facie* discloses cognizable offences requiring the statutory process of registration of first information report (FIR) and investigation to begin.

9. It emerges from the record that the complainant has complied with the provisions as contained u/s 173(4) of BNSS. She first approached the SHO [Section 173(1) BNSS] and upon refusal, she approached the Superior Officer i.e. DCP with an email on the same day and follow-up by post. The application is also supported by an affidavit affirming the truth of the allegations (as mandated in the judgment of **Hon'ble Supreme Court of India** in *Priyanka Shrivastava v. State of Uttar Pradesh*, (2015) 6 SCC 287). This statutory route having been perused, recourse to the Magistrate u/s 175(3) is properly invoked.

10. Section 175(4) of BNSS requires, in cases of involving public servant, that (i) the Magistrate receive and consider a report of Superior Officer containing facts/circumstances, and (ii) consider the public servant's assertions as to the situation that led

to the incident. In accordance with the provisions of the Section 175(3) and Sub-Section 4 of BNSS, this Court has made such inquiry as deemed necessary to ascertain whether any cognizable offence is disclosed and whether a direction for police investigation is warranted. The enquiry has included calling for the reports from the Superior Officer *i.e.* ACP along with its Annexures, written replies of SHO Insp. Ashish Singh Dalal and SI Dharmendra explaining the situation which according to them, led to the incident, scrutinizing of the CCTV Footage, perusal of the written complaints addressed to the SHO and DCP concerned, status reports, GD Entries, point - wise reply submitted by the ACP concerned, e-mail dated 11.06.2025 from RV Solutions regarding delay in issuance of CCTV Authenticity Certificate, and subsequent compliance report dated 30.07.2025 concerning non-installation of CCTV Camera in the room where the alleged incident took place, and allowing parties an opportunity to place material and submission on record.

11. Having considered the record, the Court is of opinion that *prima facie*, the allegations disclose, *inter alia*, commission of cognizable offences. As per the complaint, proposed accused no. 1 SI Dharmendra allegedly used abusive gendered language against the complainant inside a police station, the details of which are specifically mentioned. The same discloses commission of an offence u/s 79 of The Bhartiya Nyaya Sanhita, 2023 (In short, “BNS”) which is a cognizable offence as per the Schedule-I of BNSS. Despite the complainant’s repeated requests, both orally and in writing, admittedly, no FIR was registered, thereby

attracting Section 199 (c) BNS against SHO Insp. Ashish Singh Dalal for refusal to register an FIR disclosing a cognizable offence against a woman. The statutory obligation u/s 173(1) BNSS to record such information cannot be displaced by internal diary entries. There are also additional allegations of physical assault against SI Dharmendra - such as hitting the complainant on the back of her head with his fist and on her lower back with his leg- which may attract Section 115 (2) of BNS (non-cognizable offence). However, once cognizable offences under 79 and 199 (c) of BNS are disclosed, the bar of non-cognizability ceases to be a hindrance for registration of First Information Report (FIR).

12. It is trite law, as laid down in *Lalita Kumari v. State of UP* (2014) 2 SCC 1 that police is duty bound to register an FIR upon receipt of information disclosing commission of cognizable offence. It is not open to police to assess the credibility or truthfulness of such allegation at the threshold.

13. During the course of proceedings, this Court had also perused the CCTV Footages available on record. It is further evident from record that despite specific directions issued by this Court, the investigating agency initially agreed to preserve CCTV Footage but later shifted its stand, stating on 01.07.2025 that the alleged incident spot was not covered by CCTV. This conduct, coupled with unexplained delay raises serious doubt. Notably, despite the police claiming non-coverage of specific room, the fact that the complainant's arrival, movements and verbal exchanges were at least partially captured on CCTV. The complainant can be

seen and heard complaining to the SHO regarding the incident and praying for registration of First Information Report and initiation of appropriate action in the matter. Importantly, attention was drawn by Ld. Counsel for the complainant to a visible jump/disruption/cut in the continuity of a footage around time stamp 01:27-56 in the CCTV Footage of the SHO's room where the complainant's sudden appearance is unexplained. This anomaly has been flagged as indicative of tampering or selective deletion raising *prima facie* issue of integrity calling for expert forensic analysis. The stage is of course not right for adjudicating veracity or truthfulness of the rival version but rather the nature of allegations involving grave misconduct by the police personnel inside the police station, in the opinion of this Court, calls for fair, impartial, and immediate investigation. The submission of the investigating agency that the place of incident was not under CCTV Surveillance, was never disclosed until much later. This casts further doubt on the conduct of the police officials and underscores the leads of judicial intervention. Additionally, there also appears to be *prima facie* violation of the binding directions issued by the Hon'ble Supreme Court of India in ***Paramvir Singh Saini v. Baljeet Singh***, (2021) 1 SCC 284 which mandate strict compliance with CCTV Installation and preservation obligation in all police stations, specially to safeguard allegations of police excess or custodial misconduct. The deviation from these mandates in the present case, particularly in the absence of clear contemporaneous logs or technical records coupled with visible anomaly in the footage, calls for a proper forensic analysis during investigation.

14. The Court is conscious of the principle governing recourse to police investigation. Recently, the **Hon'ble Supreme Court** in ***Om Prakash Ambadkar v. The State of Maharashtra & Ors.***, 2025 INSC 139, has emphasized that the discretionary direction u/s 156(3) Cr.P.C. (akin to Section 175(3) of BNSS) should be issued only after due application of mind by the Magistrate and not in a mechanical fashion. Such an order should be passed if the Magistrate is satisfied that the information reveals commission of cognizable offence and there is necessity of police investigation for digging out of evidence neither in the possession of complainant nor can be procured without the assistance of police. In fact, the Magistrate ought to direct investigation by the police only where the assistance of investigating agency is necessary and the Court feels that the cause of justice is likely to suffer in the absence of investigation by police. Thus, a judicial approach is required to be adopted.

15. In the present case, the accusations are grave and serious. The alleged incident has taken place within the precincts of police station. The proposed accused persons are police officials. The part of CCTV Footage placed on record *prima facie* indicate tampering which require analysis by an expert agency. The place of incident is not covered by CCTV camera despite specific directions of Hon'ble Supreme Court in *Paramvir Singh* (supra). The principal evidence - CCTV DVRs, Authenticity Certificate, GD Entries, Internal Memos, Movement Records etc. lies beyond the complainant's reach and are within the exclusive possession of the

police department. Further, there is a distinct allegation of refusal to register FIR by the SHO, which attract Section 199(c) BNS. The allegations in the present matter pertain to police high-handedness against a woman inside a police station, a matter which shakes public confidence in the rule of law. The counter allegations made by the police officials, in the opinion of this Court, are not resolvable at this stage. The disputed facts require thorough investigation and a mini-trial at pre-FIR stage is neither contemplated nor permissible. Without expressing any opinion on the ultimate merits, this Court is of the opinion that a *prima facie* case warranting registration of FIR followed by fair investigation is made out and a threshold as mandated in the decision of *Om Prakash Ambadkar* (supra) is met. Merely because one of the proposed accused persons is the officer incharge of the police station, the same does not denude the statutory power of this Court to direct registration of the FIR and ordering investigation.

16. This Court has also considered *Harmeet Singh v. State* (2023 SCC OnLine Del 3654) wherein, the Hon'ble High Court has observed that under the scheme of Code of Criminal Procedure, 1973 (In short, "Cr.P.C.") this Court can only direct an officer incharge of the police station and not a Superior Officer to register the FIR or assign it to a particular specialised unit. This Court is also fully aware that registration of an FIR is not equivalent to finding of guilt and that the standard at this stage is not proof beyond reasonable doubt but disclosure of commission of cognizable offence and necessity of investigation. Whether the allegations are ultimately established or not is a matter for investigation and, if

necessary trial. However, the statutory power to direct the officer incharge of the police station concern to register the FIR and order commencement of the investigation remains intact.

17. The Court expresses no view on the ultimate merits. The present finding is confined to whether the information discloses cognizable offence and whether the investigation is necessary. Both questions are answered in affirmative. In view of the foregoing discussion, the following directions are issued:-

(a) The Officer-in-Charge of PS Nabi Karim shall register an FIR forthwith on the basis of the complainant's information, for offences under Section 79 BNS (as against SI Dharmendra) and Section 199(c) BNS (as against the Insp. Ashish Dalal SHO PS Nabi Karim), along with any other provisions as investigation may reveal. Investigation shall commence immediately in a proper and fair manner.

(b) To ensure independence, fairness, impartialty, public confidence, and to avoid any kind of conflict, the ACP (Sub-Division Paharganj) and DCP (Central) shall, in exercise of their supervisory/administrative powers under Section 30 BNSS (akin to Section 36 Cr.P.C.), take suitable steps to assign the investigation to a competent officer unconnected with the incident. For clarity, this is not a direction to the superior officer to register the FIR or to assign the case to any specific unit or a particular individual but to ensure that there is no miscarriage of justice; the registration of FIR remains the statutory duty of the officer-in-charge of the police station which power can also be exercised by Superior Officer in appropriate cases.

(c) The Investigating Officer shall seize, seal, and preserve the original CCTV storage media (DVRs), hash/authenticity certificates, camera coverage layout, access and maintenance logs, and network/health logs for 31.05.2025 (15:00–22:00 hrs) for all cameras in and around PS Nabi Karim; and shall forward the relevant footage to a forensic laboratory for integrity/authenticity analysis, with documented chain of custody. The anomaly around 01:27:56 shall be specifically examined.

(d) The FIR number, name/designation of the IO, and a brief status report on the steps taken regarding compliance of above be filed before this Court within 10 days by the ACP concerned.

18. Nothing in this order shall be construed as determination on the veracity of either side. All questions are left opened to be examined in investigation in accordance with law.

Copy of this order be sent to SHO, PS Nabi Karim, ACP (Sub-Division Pahar Ganj) as well as DCP (Central) for information, compliance and necessary action.

The order be uploaded as per rules.

**Pronounced in open Court
on 10.09.2025**

**(Dr. Raj Kumar Singh)
Judicial Magistrate First Class-05/Central
Delhi/10.09.2025**