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CIRCULAR ORDER

No. 05 /2018

Subject: - **Guidelines to be followed by Investigating Officers while dealing with complainants/alleged persons.**

The Hon'ble High Court of Delhi in its order dated 04.01.2018 in W.P. (C) No. 11649/2017 titled *'Ajay Gautam Vs Union of India & Others,'* has directed the following:-

> "To frame appropriate procedure with regard to functioning/proceedings/duties of the police without causing any sort of harassments and other fundamental rights of the complainant/alleged/accused persons (i) when no FIR is registered and the police is purporting to act under simple information or formal complaints (ii) when visits the police station for any other kind of work like verification etc."

In view of the above court observation, attention of all concerned is again invited that the complainants generally come to a Police Station to file their grievances/complaints and thereafter to know the status/progress of their complaints. But in some cases, when the alleged person shows reluctance to join in the enquiry, the Enquiry Officer calls the alleged/accused in the Police Station, even in the cases wherein no FIR is registered. As such, in order to provide better service to the community and uphold the human rights of all such persons, the staff posted in the Police Stations of Delhi are directed to strictly comply with the following guidelines in addition to detailed guidelines laid vide Standing Order Nos. 68/2017 and No. Ops. 51 (330/2008):-

i. Whenever, any simple information or formal complaint is received, the same shall be promptly recorded in Daily Diary. Enquiry

Officers shall, at the first step, segregate simple information or formal complaints in cognizable or non-cognizable one and proceed accordingly in the matter.

ii. If the allegations pertain to a cognizable offence, a case/FIR shall be registered as per law and procedure and then the matter would be proceeded with.

iii. If the allegation pertains to a non-cognizable offence, the matter shall be dealt with as per the provision of section 155 Cr. P.C.

iv. The complainant/alleged/suspect shall be preferably questioned/examined at the **'Sankarman Kaksh'** of the Police Station situated in or adjacent to the Reporting Room having proper visibility and not be left unattended.

v. In case any person is found injured by the PCR staff or local staff reaching him first, he shall be taken straight to the nearest hospital instead of taking to Police Station and if any injured comes to Police Station he/she be shifted to nearest hospital without any delay.

vi. Complainant/alleged/accused should be called at the police station only if their presence is required for the purpose of enquiry/ investigation.

vii. Juveniles shall be dealt with by the designated **Child Welfare Police Officer** strictly as per the procedure and legal requirements mandated by law.

viii. Police Officers shall respect the law as well as various orders/directions passed by the Hon'ble Courts & Senior Officers. Further, they shall discharge duties, to the best of their ability without any violation of the rights of the person.

All Districts/Units concerned Addl. CsP/DCsP should direct ACsP, SHOs and IOs for strict compliance and implementation of these guidelines. Any laxity will be viewed seriously.

This issues with the approval of the Commissioner of Police, Delhi.

[RAJESH DEO]
Deputy Commissioner of Police
Legal Cell : PHQ, Delhi.

No. 603-750 **/RB/PHQ, dated, New Delhi, the** 18/04/**2018.**

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3. All Additional Commissioners of Police, Delhi.
4. All Dy. Commissioners of Police, District/Unit, Delhi.
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