

In the Court of State Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
25- D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi.  
Phone-011-23216002-04, Telefax: 011-23216005,  
Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)

[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

Case No.1039/1111/2019/07 /7768-7770

Dated: 14/11/2019

In the matter of:

Sh. Raju Banka,  
F-184/185, Old Seema Puri  
Shahdara, Delhi-110095.

.....Complainant

Versus

The Deputy Commissioner of Police,  
Shahdara District,  
Delhi-110032.

.....Respondent

Date of Hearing:

11.11.2019

Present:

Sh. Pramod, ACP, Distt. Shahdara

Sh. Harish Kumar, SHO Seemapuri, on behalf of  
respondent

Ms. Annu Banka alongwith Sh. Md. Yunus

#### ORDER

The above named complainant, a person with 80% locomotor disability (right lower limb) as per the disability certificate dated 07.11.2014 issued by GTB Hospital, Delhi, vide his complaint dated nil received from the Court of Chief commissioner for Persons with Disability vide letter dated 25.06.2019 submitted that he lives in house no. F-184/185, Old Seemapuri, Shahdara, Delhi-95 with his mother Ms. Hemlata Banka and his Aunt (Mausi) Ms. Sumanlata Gupta. Ms. Annu Banka, daughter of Ms. Hemlata Banka and his sister has occupied 2<sup>nd</sup> floor of the house. She has also allowed two men namely Sh. Md. Yunus and Sh. Bablu (Maksood) of Bareilly. They abused and threatened him to kill and leave the house. They also beat him and it had become difficult to stay in that house. His aunt is 67 years old and his mother is also a senior citizen. He also alleged that Sh. Sh. Md. Yunus and Sh. Bablu (Maksood) had also stolen Ms. Sumanlata Gupta's jewellery a few days ago. The complainant also enclosed copies of 5 complaints of Ms. Sumanlata Gupta to the DCP and SHO, Police Station, Seemapuri, Shahdara District.

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

2. The complaint was taken up with the respondent vide letter dated 31.07.2019 followed by reminder dated 09.09.2019. As there was no response, a hearing was scheduled under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act on 11.11.2019.


3. In the meantime Additional Deputy Commissioner of Police submitted a report vide letter dated 05.11.2019 which is reproduced below:

"Sir,

With reference to your office letter Nos. 1039/1111/2019/03(07)/3925, dated 31.07.2019, 09.09.2019 and summon dated 09.10.2019 to appear u/s 82 of the RPwD Act, 2016, on the above subject. The complainant alleged that he along with his mother Hemlata Banka is residing at F-184/185, Old Seemapuri, Delhi in the house of his aunty (Mausi) namely Suman Lata, which was purchased by Suman Lata on 10.06.2005. But complainant's sister Annu Banka has grabbed two floor of above said property with the connivance of her two friend Md. Yunus & Bablu @ Maksood. He has also stated that the alleged persons had robbed the gold articles from the house of his Aunty (Mausi). Alleged persons have threatened to kill him. Complainant has requested to take legal action into the matter.

An enquiry into the matter was conducted through ACP/Seemapuri. During enquiry, E.O tried to contact with complainant but he was not found present at given address i.e F-184/185, Old Seemapuri, Delhi. Hence, he was contacted on his Mobile Number 9876644928, who stated that he is in Banaras (U.P) for taking treatment of his leg, as he is handicapped. Thereafter, alleged Annu Banka was examined wherein she stated that she is living at above said address with her husband Md. Yunus and her brother-in-law namely Bablu @ Maksood is living in Jafrabad, Delhi.

E.O. visited at the given address of Suman Lata to get her version about the alleged robbery of her gold articles but she was also not found present at her house. During local enquiry, it came to know that she

  
Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

Page 2 of 4

had gone to Kolkatta. Hence, she was contacted at her Mobile Number 9836433904 and enquired about the robbery allegation of gold items committed by her niece Annu Banka (alleged lady) and her associates. She stated that her gold items, i.e. chain, ring, bangles and ear rings were taken by her neice Annu Banka (alleged lady) by saying that she will give back after some time but the same have not yet been returned. Hence, the allegation of robbery could not be substantiated during the course of enquiry.

It also came to light that there is a property dispute (i.e. over property over property No.F-184/185, Old Seemapuri, Delhi) between both the parties and in this regard a Civil Suit vide No. 1041/17 is pending before the Hon'ble Court of Sh. Sudhir Kumar Sirohi, ACJ, Shahdara Karkardooma court, Delhi. Besides, a civil case is also pending before DM Office, Nand Nagri, Delhi and next date of hearing is fixed for 06.11.2019.

In view of the above mentioned facts and circumstance, it is clear that there is a property dispute between the parties, which is subjudice before the courts, the matter is civil nature. No cognizable offence is made out. Hence no police action is called for.

Yours sincerely,

**(Rohit Rajbir Singh)IPS**

Addl. Deputy Commissioner of Police,  
Shahdara District, Delhi"

4. On 11.11.2019, Sh. Pramod, ACP, Distt. Shahdara alongwith Sh. Harish Kumar, SHO Seemapuri and Ms. Annu Banka appeared alongwith Sh. Yunus. Ms. Suman Lata picked up the given telephone no. 9874644928 submitted that Sh. Raju Banka had gone for treatment to Banaras and reiterated the written submissions.

5. Ms. Annu Banka, who had the copies of the communications of this office addressed to Sh. Raju Banka submitted that he used to stay in the house long back and now he is not staying there. A property dispute is before the court.

*L*

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

Page 3 of 4

6. The parties were informed about the provisions of the Act, 2016 particularly Section 92 which inter-alia provides, "whoever-

(a) *intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view.*

(b) *assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability."*

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

7. A copy of circular no. 28/2017 of the Office of Commissioner of Police, Delhi issued on 25.10.2017 addressed to all DCsP was also handed over to the representatives of the respondent. The said circular inter-alia reiterates the duties of police officers for protection from abuse and exploitation of persons with disabilities and to make the IOs aware of the provisions of the Act and ensure its effect implementation.

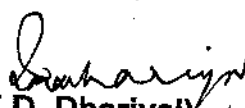
8. The accused persons namely Sh. Md. Yunus and Sh. Bablu (Maksood) should note that appropriate action shall be taken against them under the relevant provisions of the Act by the concerned authorities including the police, if they intimidate, humiliate, assault, abuse the complainant. They should refrain from any activity/ utterance i.e. against the dignity of the complainant.

9. If at any stage, the complainant is abused, insulted, intimated, humiliated, assaulted or force is used against him by any person, he should report the matter to the SHO who shall immediately take appropriate action under the law. It should also be noted that a person with disability may not always be able to provide evidence for such incidents. The concerned police officers therefore should use best of their skills and resources to ensure that the rights and the dignity of persons with disabilities like the complainant who are extremely vulnerable, are protected.

10. The complaint is disposed of.

11. Given under my hand and the seal of the Court this 13<sup>th</sup> day of November, 2019.



  
(T.D. Dhariyal)

**State Commissioner for Persons with Disabilities**

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi

**Copy to:**

1. Annu Banka, F-184/185, Old Seema Puri, Shahdara, Delhi-110095 No. - 1

25-D, Mata Sundari Road, New Delhi-02

Page 4 of 4