

IN THE HIGH COURT OF DELHI AT NEW DELHI

MAC.APP. 236/2009 & MAC.APP. 238/2009

Date of Decision: 23rd December, 2009

MAC.APP. 236/2009

THE NEW INDIA ASSURANCE CO. LTD. Appellant
Through : Mr. D.D. Singh, Adv.

versus

RAKESH AHUJA & ORS. Respondents
Through : Mr. Navneet Goyal and
Mr. Varun Kumar, Advs.
for R-3. Mr. Arun Mohan, Sr.
Adv. as amicus curiae.
Mr. Vikas Pahwa, Additional
Standing Counsel for Delhi
Police.

MAC.APP. 238/2009

THE NEW INDIA ASSURANCE CO. LTD. Appellant
Through : Mr. D.D. Singh, Adv.

versus

RAKESH AHUJA & ORS Respondents
Through : Respondent No.1 in person.
Mr. Navneet Goyal and
Mr. Varun Kumar, Advs.

for R-3 to 6.

Mr. Arun Mohan, Sr. Adv. As
amicus curiae. Mr. Vikas
Pahwa, Additional Standing
Counsel for Delhi Police.

CORAM :-

THE HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (Oral)

1. Vide order dated 3rd December, 2009, this Court constituted a Committee comprising of Mr. Arun Mohan, Senior Advocate, Ms. Rajdipa Behura, Advocate, Joint Commissioner of Police (Northern-Range), Mr. Vikas Pahwa, Additional Standing Counsel for Delhi Police and Mr. Atul Nanda, Standing Counsel for Union of India to draw up a mechanism for prosecution of the fake driving licence holders/forgers and to make Delhi roads safe by ensuring that the fake driving licence holders do not drive on Delhi roads any more.
2. The aforesaid Committee held a meeting at Delhi Police Headquarters on 14th December, 2009. The meeting was attended by the DCPs of all the Districts and the representatives of all the seventeen Insurance Companies. The minutes of the meeting have

been submitted by Mr.Vikas Pahwa, Additional Standing Counsel for Delhi Police.

3. The report of the Committee contained in the said minutes of the meeting has been examined and based on that, the following directions are hereby passed:-

(i) All complaints relating to fake driving licence by the Insurance Company and/or owner of a vehicle be made in writing to DCP/Crime, Police Headquarter, I.P. Estate, New Delhi. DCP/Crime has nominated Mr. Mohan Singh Dabas, ACP/Anti-Auto Theft Squad, Crime Branch, Phone No.011-26925457 as nodal officer to monitor the fake driving licence cases.

(ii) All the Insurance Companies shall make a complaint whenever they get information of fake driving licence. The Insurance Companies shall also compile the data of fake driving licences in respect of accidents which have occurred in the last three years, i.e., after 1st

January, 2007 in Delhi and shall make a complaint to the DCP, Crime Branch, Delhi Police in the format given in para -11 (ii) of the order dated 3rd December, 2009. The complaint shall be accompanied by the copy of the fake driving licence. The complaint shall be transmitted electronically to Delhi Police at the E-mail ID acp-scrb-dl@nic.in. along with the scanned copy of the licence said to be fake. The complaint shall also be made in writing duly signed by the authorized officer of the Insurance Company.

(iii) The Delhi Police shall take the following action in respect of the aforesaid complaints:-

(a) If the case is pending investigation, then to ensure further investigation into the issue of fake driving licence in the concerned Police Station.

- (b) In pending trial cases, to ensure filing of supplementary charge-sheet on this aspect.
- (c) The cases in which the trial has already been completed, to ensure registration of fresh FIR by the concerned police station.
- (iv) ACP/Anti Auto theft shall maintain record of all such complaints and action taken by police.
- (v) Delhi Police shall create a database of information regarding fake licences and licence holders received from Insurance Companies or other sources.
- (vi) Whenever the police registers an FIR against a person for driving with a fake licence, particulars of that FIR be entered in the entry against the information received.
- (vii) The office of DCP/Crime shall prepare and maintain a tabulator chart (database) of the information received and look for any 'patterns' within it. It shall take such action according to law against those concerned as it

considers proper.

- (viii) The police shall place the information of those cases where the Driving Licence produced was found to be fake on a website so that the Transport Authorities in other States can access it and be armed with this information before issuing a Driving Licence for such a person in that State.

4. The learned counsel for all the Insurance Companies submit that the aforesaid directions shall be put to immediate compliance in so far as the fresh cases of fake driving licences are concerned. However, with respect to compilation of the data in respect of the accidents which have occurred in Delhi during the last three years, i.e. from 1st January, 2007 onwards, four weeks may be granted to the Insurance Companies to compile the said data. The submission of learned counsel for the Insurance Companies is accepted and all the Insurance Companies are directed to compile the data of the fake driving licences for the last three years and to make

complaints in terms of this order to the DCP/Crime, Delhi Police within four weeks.

5. The learned amicus curiae submits that the Delhi Police should also launch a drive to book the persons who fake driving licences and whenever a complaint is received, the Delhi Police should interrogate the driver holding fake driving licence to ascertain the source from which he obtained the fake driving licence.

6. The learned Additional Standing Counsel for Delhi Police assures this Court that Delhi Police shall implement this order in true letter and spirit and that immediate instructions shall be issued to the concerned officers of Delhi Police to book the persons involved in forging driving licences. It is further submitted that in the last two weeks, two racketeers have already been booked by the Delhi Police after the order of this Court.

7. Let the action taken report be filed by Delhi Police on the next date of hearing.

8. This Court appreciates the efforts made by Mr. Arun Mohan, Senior Advocate who had given very valuable suggestions which have been accepted by the Delhi Police. This Court also appreciates the efforts of Mr. Vikas Pahwa, learned Additional Standing Counsel for Delhi Police.

9. List for hearing on 22nd February, 2010.

10. The copy of this order be sent to all the Motor Accident Claims Tribunals through the Registrar (Vigilance). The Claims Tribunals shall call for the complaint made by the Insurance Companies to the police wherever the defence of fake driving licence is raised by the Insurance Companies.

11. Copy of this order be given dasti to learned amicus curiae, Additional Standing Counsel for Delhi Police as well as to all the Insurance Companies.

12. Copy of the order dated 18th November, 2009 as well as copy of this order be also sent to Principal Secretary (Law), Government of NCT of Delhi.

13. Copy of this order be also sent to Mr. S. Sundar, Chairman of the Expert Committee appointed by the Ministry of Road Transport and Highways.

J.R. MIDHA, J.

DECEMBER 23, 2009