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

+ WP(CRL) 3202/2020 & C.M. 11128/2020

ARCHANA SHARMA

..... Petitioner

Through: Mr. Nalin Tripathi, Advocate
for the petitioner along with petitioner in
person.

versus

STATE OF NCT OF DELHI & ORS

....Respondents

Through: Mr.Ramesh Singh, Ms. Bhawna
Kataria and Ms. Tara Narula, Advocates
for R-1, R-2 and R-5.

Mr.Rajshekhar Rao and Ms. Rajshree
Jaiswal, Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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20.05.2020

HEARD THROUGH VIDEO CONFERENCING.

1. The present petition filed as a Public Interest Litigation by the petitioner, a lawyer by profession, professing to be a social worker, has prayed that directions be issued to the respondent No. 3/National Commission for Protection of Child Rights to initiate an inquiry against the respondent No. 4, Ms. Swati Maliwal Jaihind, who is presently holding the post of Chairperson, Delhi Commission for Women (DCW) and to remove her from the said post on the ground that she is disqualified to be a member of the Statutory authority. The remaining prayers are also directed against the respondent No.4 with a plea that the respondent No.5/Delhi Police be directed to register a case of abatement of suicide against her.

2. At the outset, we have indicated to learned counsel for the petitioner that the present petition appears to be nothing but a vested interest litigation rather than a public interest litigation, particularly, when under the garb of referring to the incident pertaining to the “Bois Locker Room” on the social media, the petitioner has questioned the qualifications of the respondent No. 4 for holding the subject post and has alleged that she has tried to usurp the jurisdiction not vested in her by law.

3. We may note that the petitioner is present in the hearing along with her counsel, Mr. Nalin Tripathi. It has been brought to the notice of Mr. Tripathi that the issue relating "BOIS Locker Room" has already been taken up by a coordinate Bench in **W.P. (Crl.) No.806/2020** entitled 'Devashish Dubey Vs. GNCTD', which was listed as recently as on 18.05.2020.

4. Mr.Rajshekhar Rao, learned counsel appearing for the respondent No.4 clarifies that the captioned writ petition was disposed of on the date of admission itself with a direction issued to the Delhi Police to conduct an inquiry into the matter and take on record a complaint filed by the DCW on the basis of a representation received.

5. In such circumstances, there is no good reason for this Court to duplicate the same issue by entertaining the present petition.

6. At this stage, Mr. Ramesh Singh, learned Standing Counsel for the respondents No. 1, 2 and 5 informs us that this is the second attempt made by a party to target the respondent No. 4 under the garb of a public interest litigation. Earlier hereto, in the month of February, 2020, one Mr. Mohit Kumar Gupta has filed a Public Interest Litigation registered as W.P. (Crl.) No.1393/2020 challenging the appointment of the respondent No. 4 to the post of Chairperson, DCW. That petition was dismissed as withdrawn when the Court had indicated that it was not inclined to entertain the same. It is submitted that the present

petition is yet another circuitous route adopted to re-agitate the same issue relating to the appointment of the respondent No.4 as Chairperson, DCW.

7. At this stage, Mr. Nalin Tripathi, Advocate states on instructions from the petitioner that she does not wish to press the present petition and seek leave to withdraw the same.

8. Leave as prayed for is granted while cautioning the petitioner to be more careful in future while filing petitions as PILs. It is also directed that if any PIL is filed by the petitioner in the future, she shall enclose therewith a copy of this order and make a reference thereto in the averments made in the said petition.

8. The present petition is dismissed as withdrawn along with the pending application.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 20, 2020

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