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

+ W.P.(CRL) 1524/2011

RAM PIARY Petitioner

Through Petitioner in person.
versus

COMMISSIONER OF POLICE OF DELHI & ORS

..... Respondent
Through Mr. Saleem Ahmed, ASC for State
with SI Rakesh Kumar PS Civil
Lines.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
21.11.2011

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By this petition the Petitioner who is present in person, inter alia, prays for protection, registration of FIR against the Respondent Nos. 4 to 7 with regard to the incident dated 20th October, 2011 and for investigating the said FIR impartially and fairly. The son of the Petitioner who is present in Court on behalf of the Petitioner states that the Respondent Nos. 4 to 7 have started beating, threatening and giving dirty abuses to the Petitioner in complete public view. Despite complaints to the Police Station no action is taken thereof. On 20th October, 2011 the Respondent Nos. 4 to 7 again made an attempt to kill the Petitioner and her family members but still the

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Respondent Police officers did not take any action thereon.

On a notice being issued a status report has been filed. As per the status report the Petitioner has filed numerous complaints to the Respondent Nos. 1 to 3 for curbing illegal activities like encroachment/ construction from Government land and has also filed civil suits. However the Petitioner herself is living on the Government land. With regard to the earlier incident dated 10th August, 2011 allegedly her water meters were stolen. As regards the complaint on 11th December, 2008 the enquiries were made, however the complaint was filed as the matter was settled between the parties. Again allegedly an incident took place on the 10th August, 2011. Since no cognizable offence was made out, the Respondent took action under Section 107/150 Cr.P.C. against both the parties. However, the Petitioner was not satisfied and she has filed a complaint in this regard before the Learned Metropolitan Magistrate under Section 156 (3) Cr.P.C.

The grievance in the present petition is primarily for the incident dated 20th October, 2011. It is stated that the Respondent no.4 and the Petitioner are real brothers and sisters. Both of them are living on Government land i.e. land belonging to the Delhi Jal Board and the quarrel between the two takes place on trivial matters. It is stated that on 20th

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October, 2011 a PCR call was received regarding quarrel between the parties. The Investigating Officer who went to the spot got five persons medically examined i.e. three sons of the Petitioner, her husband and Satish/Respondent No.4. Injuries on the person of Ratiram and Satish were found to be simple, however the result of injuries on the Petitioner's sons is yet to be received. It is stated that since till now no cognizable offence is alleged to have been made out, no FIR is registered awaiting the final outcome of the MLCs of the three sons of the Petitioner. On receipt of the said MLC action thereon will be taken in accordance with law.

In view of the fact that the Respondent is already seized of the matter and in case they do not proceed, the Petitioner will be at liberty to take alternate remedy in accordance with law by filing a complaint before the Learned Metropolitan Magistrate, I see no reason to pass any directions in the present case at this stage.

Petition is dismissed.


MUKTA GUPTA,J

NOVEMBER 21, 2011
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