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

+ W.P.(CRL) 1774/2023 & CRL.M.A. 33876/2023, CRL.M.A.
38432/2024

HARMINDER KAUR

.....Petitioner

Through: Mr. Zain Haider and Mr. Atul Kumar
Srivastav, Advocates.
Petitioner in person.

versus

STATE

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with Mr.
Arjit Sharma and Ms. Sakshi Jha,
Advocates.
SI Manjit Singh, PS: Kirti Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **22.08.2025**

1. The present petition under Article 226/227 of the Constitution of India was registered on a written complaint dated 14th June, 2023 addressed to Hon'ble the Chief Justice of this Court seeking initiation of criminal proceedings against certain persons with respect to the death of her husband.

2. The present complaint arises out of an alleged incident dated 14th May, 2023 at the residence of the Complainant, Ms. Harminder Kaur, situated at Ramesh Nagar, Delhi. The facts as per the complaint are as follows:

2.1. On 14th May, 2023, when the Complainant returned home with her family, the accused persons, namely (i) Sameer Manchanda, (ii) Shweta Manchanda, (iii) Rakesh Arora, and (iv) Neeta Arora, confronted them, demanded access to the terrace, abused them and followed them to their



floor.

2.2. The accused persons pushed, abused, and forcibly entered their premises, whereafter both parties made PCR calls. Upon arrival of the police, ASI Shiv Prasad and HC Roshan Lal failed to intervene and, instead of assisting, started shouting at the Complainant and her family. Constable Roshan Lal manhandled Avtar Singh by slamming his hand on his chest, causing him to collapse with severe chest pain. The police personnel present refused assistance, mocked the victim, and, along with the neighbours, obstructed the family's attempt to take him to hospital by blocking their car and delaying departure. Avtar Singh was eventually taken to Acharya Bhikshu Hospital, where he was declared dead, the doctors noting that timely medical attention could have saved him.

3. The Complainant submits that she and her family have been continuously harassed, assaulted, and pressured to vacate their residence. She seeks registration of FIR and prosecution of the aforesaid neighbours and police officials for offences including murder, criminal intimidation, assault, trespass, theft, and dereliction of duty. She further requests that investigation not be entrusted to ASI Shiv Prasad or the implicated officials.

4. On 14th June, 2023, taking note of this communication, a status report was called for. Subsequently, on 10th May, 2024, on hearing the counsel, the Court considered it appropriate to direct the concerned Joint Commissioner of Police to personally look into the entire record of the present case as well as the video clippings produced by the Complainant during the inquiry and submit a status report under the signatures of DCP (West). In the meantime, on Petitioner's request, the Court had permitted them to file the copies of video recordings which had been submitted to the police.



5. In compliance with directions issued on 10th May, 2024, a status report had been filed under the signatures of DCP (West), which reveals as follows:

“1. That a Complaint dated 14.06.2023 was made by the Petitioner herein Ms. Harminder Kaur w/o Lt. Sh. Avtar Singh before this Hon'ble Court and the same was treated as the present Writ Petition.

2. It is submitted that the present report is being filed in compliance of order dated 10.05.2024 passed by this Hon'ble Court in the present writ petition. As per the compliance of this Hon'ble Court vide order dated 14.06.2023, the phone number of ACP/ Punjabi Bagh and SHO PS Kirti Nagar was shared with the Petitioner and her son Harmeet Singh for the needful.

3. It is submitted that a written complaint dated 15.05.2023 was received at PS Kirti Nagar made by Ms. Harminder Kaur R/o House No 9/29, 2nd & 3rd floor, Ramesh Nagar, Delhi against

(i) Sameer Manchanda,

(ii) Shweta Manchanda,

(iii) Rakesh Arora,

(iv) Neeta Arora,

(v) ASI Shiv Prasad,

(vi) HC Roshan Lal and other persons

for causing death of the husband of the complainant namely Avtar Singh and posing a constant threat to her family and doing other acts endangering the lives of the complainant and her remaining family and for committing other offences punishable under IPC in connivance with one another. Complaint was properly diarised in the police station vide LC No 669 dated 15.05.2023 and was marked to SI Manjit Singh.

4. In her complaint, the Petitioner alleged that on 14.05.2023, she along with her family returned to her house and alleged persons namely

(i) Sameer Manchanda,

(ii) Shweta Manchanda,

(iii) Rakesh Arora and

(iv) Neeta Arora

approached them and as soon as they entered the premises and took the lift to their floor, they started asking for access to the terrace and started to quarrel and followed them to their floor wherein they were hurling abuses and shouting at them and started manhandling them. Petitioner stated that alleged **Sameer Manchanda and Rakesh Manchanda** started pushing and abusing them and entered their premises. Thereafter, the Petitioner as well as alleged persons made PCR calls.

5. In her complaint, the Petitioner also alleged that ASI Shiv Prasad along with two other constables came to their floor and started shouting at them.



6. The Petitioner stated that alleged Sameer Manchanda in the presence of the alleged ASI Shiv Prasad punched her husband Lt. Sh. Avtar Singh in his chest and alleged Rakesh Arora pushed her when she came to save her husband and resultantly pushed both of them, due to which her husband fell down and complained about pain on the left side of the chest. According to the Petitioner, pursuant to the said incident, ASI Shiv Prasad was being mute spectator and when the Petitioner along with her son wanted to take her husband to the hospital alleged ASI Shiv Prasad said "Drama mat Karo tum log yaha par" and blocked their way. Upon much efforts and pleadings, they took the lift and went downstairs to take her husband to the hospital.

7. In her complaint, the Petitioner also stated that ASI Shiv Prasad and HC Roshan Lal did not remove their bike from main door due to which they reached at hospital about 15 minutes late due to which her husband passed away. The Petitioner also mentioned about previous quarrels with the alleged persons in her complaint.

8. That in this regard, a local enquiry was conducted. The entire issue is related to the building which is constructed on a 100 square yard plot and having four floors.

Third floor	Mr. Harmeet Singh along with his family members.
Second floor	Ms. Harminder Kaur along with her husband (deceased).
First floor	Ms. Neeta Arora along with her family members.
Upper ground floor	Ms. Shweta Manchanda along with her family Members.
Stilt Parking	Common Parking
Space for 03 cars	

There is a dispute between both the parties over common parking, common lift, dish antenna, water supply, over head water tanks installed on the roof top, access to the roof top and other petty issues.

9. That on 14.05.2023, a PCR call was received at PS Kirti Nagar, Delhi from Ms. Neeta Arora who resides **at First floor**, vide DD No 61 on dated 14.05.2023 mentioning "Incident Address:- H. No 9/29, Ramesh Nagar, Nearby Hanuman Mandir, Kali Mata Mandir, call from 181... lady caller ke sath padosi jhagra kar rhe hai. Mobile No. 011-49075510, 9212136929" and the same was marked to SI Manjit Singh for necessary action. In the meanwhile, Ms. Neeta Arora came in the police station along with PCR staff. HC Roshan Lal No 11141/PCR of PCR had received this call as event ID No 7015581 and he accompanied caller Neeta Arora



to the police station. When HC Roshan Lal had responded to the call and reached at House No. 9/29, Ramesh Nagar, Delhi, the caller had informed that Harminder Kaur and her family members residing at 2nd & 3rd floor of the building were not opening the lock of roof/terrace and when she tried to access the roof to fix the water tanks as there was no water in her house for the last 15 days, Ms. Harminder Kaur started quarreling with her.

10. A Statement dated 14.05.2023 of HC Roshan Lal (PCR official) was recorded in which he stated that he went to the second floor where Mr. Harmeet Singh (son of petitioner)s/o Lt. Sh. Avtar Singh r/o 9/29, 2nd & 3rd floor, Ramesh Nagar, Delhi met who started misbehaving with him and questioning him as to why he has come. When HC Roshan Lal informed that he has arrived at the behest of the other people living in the building, Mr. Harmeet Singh grabbed his collar and said that he will get his uniform removed and further told him to leave because he has to take his father. Mr. Harneet Singh then went down from the lift with his mother and father. After that HC Roshan Lal came downstairs and briefed the beat staff present outside about the incident with him.

11 An information vide DD No 75A dated 14.05.2023 at 06:25 PM came from ABH Hospital, Moti Nagar mentioning "Patient Avtar Singh s/o Sardar Jaswant Singh rio Ramesh Nagar, Kirti Nagar, Delhi age about 69 Years, जो बावजह होने chest pain बराए करवाने इलाज खुद हॉस्पिटल आया था जों डॉ साहब ने दौराने इलाज dead घोषित कर दिया." After receiving above said DD No, SI Manjit Singh reached at hospital where Patient Avtar Singh s/o Sardar Jaswant Singh Rio 9/29, 2nd & 3rd floor, Ramesh Nagar, Delhi aged about 69 years was declared dead by doctor during treatment. Body of the deceased was shifted to DDU Hospital for Post Mortem.

12. The petitioner Smt. Harminder Kaur has levelled allegations and filed complaint at PS vide Dy. No 103A dated 14.05.2023 against police officials and her neighbors for causing death of her husband Avtar Singh. In view of the seriousness of complaint, an application regarding constituting a medical board was moved and Post Mortem of the deceased Avtar Singh was conducted vide PM No 784/2023 by the Board of three doctors, Dr. B N Mishra, Dr. R. K Chaubey, Dr. Nandita Pokhriyal.

13. It is pertinent to mention that there was a dispute among the family members of the Petitioner as the Petitioner Ms. Harminder Kaur and Lt. Sh. Avtar Singh have already complained against her own son Harneet Singh vide LC No. 912 Dated 27/06/2022 stating that he used to beat the Petitioner and her husband Lt. Sh. Avtar Singh ever since he came from Australia & always threatened them that he will file a case against both of them and they will suffer old age in jail.

14. It is also pertinent to mention here that the Petitioner's son Harmeet Singh also filed a complaint against his parents namely Ms. Harminder Kaur i.e., the Petitioner herein & Late Sh. Avtar Singh vide LC



No. 932 Dated 30.06.2022 seeking protection as he was afraid of his parents that they will file a false and fabricated case against him.

15. That the petitioner and her alleged neighbours made many PCR calls/complaint against each other regarding quarrels, details of which are given as follows:

- a. DD No. 22A dated 20.12.2022
- b. DD No. 85A Dated 21.12.2022
- c. DD No. 90A Dated 21.12.2022
- d. DD No. 38A Dated 02.01.2023
- e. DD No. 40A Dated 02.01.2023
- f. DD No. 42A Dated 02.01.2023
- g. DD No. 43A Dated 02.01.2023

In view of the ongoing quarrel between the parties, **preventive action vide DDNo 57A & 58A dated 04.01.2023, u/s 107/150 Cr.P.C.** had already been taken by ASI Shiv Prasad against both the parties & Kalandra of the same had been submitted to the SEM/West District.

Further, despite initiating the preventive action PCR Calls were received at PS Kirti Nagar from both the parties which are as follows:

- a. DD No. 70A Dated 23/03/2023
- b. DD No. 72A Dated 23/03/2023
- c. DD No. 70A Dated 01/05/2023
- d. DD No. 61A Dated 14/05/2023
- e. DD No. 62A Dated 14/05/2023
- f. DD No. 65A Dated 14/05/2023
- g. DD No. 76A Dated 14/05/2023

16. It is further pertinent to mention that the neighbours of the Petitioner namely Ms. Neeta Arora and Ms. Sweta Manchanda filed several complaints against petitioner Harminder Kaur and her son Harmeet Singh, details of which are as follows: -

- a. DD No. 65 A dated 25/11/2022
- b. DD No. 66A dated 25/11/2022
- c. DD No. 26A dated 22/12/2022
- d. DD No. 37A dated 04/06/2023
- e. DD No. 60A Dated 06/05/2023
- f. DD No. 48 A dated 16/05/2023
- g. Sr. No. 13 Dated 03/01/2023
- h. Sr. No. 19 Dated 04/01/2023
- i. Sr. No. 462 Dated 23/05/2023
- j. Sr. No. 504 Dated 12/06/2023

The aforesaid complaints were against petitioner regarding quarrels over parking issue and access to the roof of the building. Despite the said incident, fresh complaints from neighbors were also received at PS Kirti Nagar regarding the stoppage of water supply by the petitioner.

17. Both the parties are habitual complainants and gave various complaints against each other over daily petty issues.



18. Further, a civil matter on this issue between both the parties is already pending before Court of Ld. ACJ/CCJ/ARC, West District, Tis Hazari Courts, Delhi, and is next listed for 31.08.2024.

19. It is important to mention that present petitioner has approached this Hon'ble court by way of filing Writ Petition Vide W.P.(CRL) 1235/2023 with the following prayer :

A) Issue a writ of Mandamus or any other appropriate writ/ quashing proceedings against the petitioners u/s 107/150 Cr.P.C in Kalandra No. 8/2023 DD No 57 A dated 04.01.2023 and quashing of impugned orders dated 09.03.2023 and 21.02.2023, of the respondent no 4 in proceedings against the petitioner.

B) Issue a writ of Mandamus or any other appropriate writ/order/direction under Article 226/227 of the Constitution of India r/w 482 Cr.P.C directing the respondent no 2 and Respondent No 3 to register a FIR under appropriate sections of the IPC against the accused persons and conduct thorough and fair investigation.

20. The son of the Petitioner Harmeet Singh provided CCTV footage along with a Certificate under Section 65B Indian Evidence Act, 1872 pertaining to the incident dated 14.05.2023 which was taken into police possession.

21. The alleged person(s) namely Ms. Shweta Manchanda also provided CCTV footage regarding the same incident dated 14.05.2023 which was also taken into police possession. Total two Pen Drives and one Hard Disk have been seized in the said inquest proceedings.

22. A local enquiry was conducted in this regard. On analyzing the CCTV footages & CDR, it was noticed that Mr. Sameer Manchanda was present in Noida at the time of incident. Further, it is clearly visible in CCTV footage that none of the alleged persons entered into the flat of the Petitioner except PCR staff HC Roshan Lal who was there for attending the PCR call made by the other party i.e., Ms. Neeta Arora. It is also clearly visible that HC Roshan Lal had a peaceful entry in the flat of the Petitioner and there was no forceful entry by HC Roshan Lal into the premises of the Petitioner as alleged in the complaint. Beat staff ASI Shiv Prasad & HC Satyapal did not even enter the said building on that date, let alone the flat of petitioner, as wrongly claimed by the petitioner.

23. During further enquiry, the analysis of the CCTV footage of the said incident reveals that when the Petitioner Ms. Harmander Kaur, Avtar Singh (deceased), Harmeet Singh and Ms. Baljeet Kaur (wife of Harmeet Singh) returned home, a heated verbal altercation can be seen taking place between Ms. Harmander Singh and Ms. Neeta Arora around 03:10:30 PM to 03:11:20 PM outside the lift. However, no physical assault can be seen as per the footage provided by the Petitioner.

24. It can be clearly seen that the Petitioner along with her family went inside her house at 03:12:10 PM after that Ms. Neeta Arora and Ms. Shweta Manchanda came outside their door and all three started having a



heated altercation. PCR staff namely HC Roshan Lal reached at above said address at 03:46:10 PM and talked to the caller Ms. Neeta Arora regarding her PCR call. Then at 03:51:18 PM HC Roshan Lal went inside 2nd floor where the son of the Petitioner Harmeet Singh misbehaved with him and abused him. At 03:53:18 PM HC Roshan Lal came outside the flat. During enquiry, present petitioner produced one video footage in which nothing is visible but some voices are audible in which HC Roshan Lal can be heard saying, "ज़ानी जी इतनी गर्मी में क्या चाह रहे हो", on which deceased Avtar Singh & his son namely Mr. Harmeet Singh got angry and are heard shouting on HC Roshan Lal that "क्या चाह रहे हो, क्या चाह रहे हो। आराम से आवाज़ नीचे करके बात कर इन्हे BP की **problem** हैं" on which HC Roshan Lal can be heard that "मैं मज़ाक कर रहा था". After that deceased son namely Harmeet Singh can be heard that "तेरी वर्दी उतरवायेंगे" Suddenly, deceased Avtar Singh is heard screaming with pain & his son is heard shouting at the police personnel to get out of their home.

25. Further, from the CCTV footage, it can be seen that the Petitioner, Mr. Avtar Singh and Mr. Harmeet Singh came outside from her house at 03:53:59 PM., when beat staff ASI Shiv Prashad & HC Satyawar asked the Petitioner regarding quarrel, then the son of the Petitioner Harmeet Singh abused both of them and instead of taking his father to hospital, started making a video. The Petitioner along with her husband and son went in their car at around 04:00:00 PM.

Mr. Avtar Singh was admitted in Acharya Bhikshu Hospital, Moti Nagar, Delhi at 04:08 PM and was treated for around 53 minutes however he passed away due to heart attack after treatment at 05:01 PM.

26. **Statements of the neighbours namely:**

- a) Sh. Didar Singh s/o Sardar Harjeet Singh r/o 9/21, Ramesh Nagar, Delhi
- b) Mr. Vinay Lamba s/o Lt. Sh. Om Prakash Lamba r/o 9/36, Ramesh Nagar, Delhi
- c) Sh. Dipen Gandhi s/o Ashok Kumar Gandhi r/o 9/19, Ramesh Nagar, Delhi
- d) Sh. Ajay Kumar Grover s/o Sh. Ashok Kumar r/o 9/19, Ramesh Nagar, Delhi
- e) Sh. Lokesh Bambha s/o Sh. M L. Bhambha r/o 9/26, Ramesh Nagar, Delhi

were recorded in which it came into notice that there is an ongoing dispute between both the parties over parking, lift, roof access and over many petty issues. There have always been heated altercations between both the parties over these petty issues but on that date no physical assault was committed by anyone. Further, as per the statements of the above said persons it came to light that on 14.05.2023 neither respondents nor police personnel obstructed the way of the petitioner and her family members as alleged by the Petitioner in her complaint.



27. As per the PM report collected by SI Manjit Singh, the Board of doctors opined that **"at this stage the cause of death appears to be due to cerebral/ cardiac malfunctioning associated with aforementioned pathology and manner of death appears to be natural however the final opinion in this regard shall be concluded after perusal of histopathology report pertaining to heart and detailed investigation report done by IO of the case."** Heart of the deceased along with copy of PM report has been placed at Histopathology Lab at DDU Hospital, Hari Nagar, Delhi, for further report. As per the Subsequent/Final Opinion dated 12.08.2023 received from Deen Dayal Upadhyay Hospital, Govt. of NCT of Delhi regarding the cause of death and manner of death of the deceased husband of the Petitioner, it was opined that: -

"Opinion:

After considering the clinical documents (which showed the Trop-T test was positive which is a specific test for myocardial infarction), PM report findings and histopathology report, we are of the opinion that the cause of death was due to cerebral haemorrhage along with precipitation of cardiac arrest associated with occlusion of multiple coronary artery up to significant extent as a result of atherosclerotic changes and by blood clots. The manner of death was natural."

28. Therefore, as per enquiry conducted into the complaint dated 15.05.2023 made by the Petitioner to PS Kirti Nagar, Delhi as well as per Subsequent/Final Opinion dated 12.08.2023 received from Deen Dayal Upadhyay Hospital, Govt. Of NCT of Delhi regarding the cause of death and manner of death of the deceased husband of the Petitioner namely Avtar Singh, no foul play has been found.

29. Accordingly, on 27.11.2023, the complaint dated 15.05.2023 made by the Petitioner to PS Kirti Nagar was filed/closed.

30. Further, on 18.06.2023, the Petitioner Ms. Harinder Kaur messaged ACP Punjabi Bagh and SHO PS Kirti Nagar regarding harassment by the alleged neighbours, in this regard on the direction of SHO Kirti Nagar, staff visited the address of the Petitioner Harinder Kaur and resolved the issue there only.

31. Further, Petitioner namely Ms. Harinder Kaur filed a complaint dated 17.09.2023 at police station mentioning that Sh. Sameer Manchanda and Smt. Shweta Manchanda (resident of upper ground floor of building) stole their **"broom with green plastic cover, white bag containing one set of pliers, 4 screwdrivers, one measuring tape, M-seal, one pipe wrench and few screws"** from common stilt parking area. In this regard an FIR No. 435/2023 U/s 379/34 IPC at P.S. Kirti Nagar, Delhi was registered but during course of investigation, it came into notice that a rat was lying dead on common parking area, which was thrown away by Sameer Manchanda and Shweta Manchanda in alleged plastic bag with the help of a worker boy and their maid. Accordingly, a closure report was filed before the Ld. Trial Court on 29.04.2024.



32. Further, petitioner Smt. Harminster Kaur has filed a representation dated 11.07.2024 before Jt. CP/Western Range, upon directions being issued by the Hon'ble High Court of Delhi vide order dated 10.05.2024 and she came to the office of Jt. CP/Western Range along with her counsel Mr. Pritush Miglani and her son Harmeet Singh on dated 12.07.2024 and explained all facts in person, shown audio-video recordings of the incidents, overwriting/cutting on the Hospital emergency registration certificate. All audio-video clips were examined carefully.

33. Further, as per allegations of petitioner, concerned doctor namely Dr. Lokesh was contacted regarding overwriting/cutting on emergency registration certificate no. 47045 by him. Dr. Lokesh stated that "overwritten/cutting is clearly a clerical mistake and nothing else".

34. A "to-scale, site map was prepared to examine the allegations regarding obstruction of the petitioner's car by the neighbours. The petitioner has claimed that the PCR vehicle and one motorcycle of the beat staff was parked to intentionally obstruct the passage of the petitioner's car. As per the site plan, the road is 8 meters (i.e. 26.24 feet) wide. In the video clip, the motorcycle does appear to be bap-hazardly parked but in reality there was sufficient space for the car to manoeuvre through. Moreover, there was sufficient space for the car to move out from the rear end of the road as well. The petitioner, her son and her husband left their second floor at 03:54 PM sat in their vehicle at 03:54:50 PM, reversed their car out of the parking at 03:56:11 PM, followed by a brief verbal altercation which lasted about 03 minutes 50 seconds, during which time, the petitioner's husband is seen voluntarily trying to step out of the car, and he stumbles and falls to the ground. Subsequently, the petitioner, her husband & her son leave for hospital at 04:00:02 PM and reach the hospital at 04:08PM in about 08 minutes (14 minutes from the time of leaving their house). At the time of reaching the hospital, the petitioner was very much alive as evidenced by the ECG carried out at 04:10:18 PM. This ECG, however, was indicative of an ongoing myocardial infarction, which is also supported by the positive Trop-T test. Despite efforts by the doctors, the petitioner's husband succumbed to the cardiac arrest, at 05:01 PM, after being under treatment for 53 minutes.

35. As per enquiry conducted so far and as per the final Post-Mortem report, the unfortunate incident of death of Sh. Avtar Singh took place due to underlying pathology i.e. cardiomegaly, left ventricular hypertrophy, atherosclerotic patches and 80-90 % coronary artery blockage associated with findings suggestive of aneurysm of anterior communicating artery of the brain. As such no foul play was found.

36. In view of the aforesaid circumstances, the present petition as well as the Miscellaneous Application seeking transfer of investigation/inquiry to CBI do not gain any ground, and are hence opposed.

37. However, the undersigned shall abide by the orders passed by this Hon'ble Court."



6. As per the Status Report, the Petitioner had lodged a complaint before the police, on 15th May, 2023, which was closed on 27th November, 2023 after a detailed enquiry. During the inquiry it has been found that there exists a long-standing and ongoing dispute between the Petitioner and her neighbours over common facilities such as parking, lift access, water supply, and use of the rooftop, resulting in multiple prior complaints and PCR calls made by both the Petitioner and her neighbours. On the basis of CCTV footage, CDR analysis, witness statements and medical records, it was concluded that the death of the Petitioner's husband, Avtar Singh, was due to natural causes and not on account of foul play or obstruction by the neighbours or police officials.
7. Counsel for the Petitioner, on the other hand, disputes the status report and has filed a detailed analysis thereof, placing reliance on the video clippings and other material on record.
8. Having regard to the aforementioned status report and the detailed inquiry conducted, this Court finds no ground for exercise of the jurisdiction under Article 226 of the Constitution.
9. The present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

AUGUST 22, 2025
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