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

CNR No. DLHC010407642026

+ **W.P.(CRL) 2638/2026**

HAIDER ALI

.....Petitioner

Through: Mr. Abhishek Yadav, Adv.
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
with SI Pankaj Kumar, PS Jyoti Nagar.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **01.09.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') has been filed seeking a direction to the Respondent/State to provide adequate police protection to the Petitioner and his family members.
3. Briefly stated, it is the case of the Petitioner that on 04.06.2026, he was intercepted and physically assaulted by certain persons, including Musa and Zubair. It is further alleged that during the incident, his mobile phone and a sum of Rs. 35,000/- were taken away. The Petitioner was thereafter medically examined at GTB Hospital.
4. The Petitioner states that a written complaint dated 04.06.2026 was submitted to the SHO, P.S. Jyoti Nagar. Thereafter, complaints dated 11.06.2026 and 04.07.2026 were also made to the DCP concerned and the



Commissioner of Police respectively. The grievance of the Petitioner is that despite the aforesaid complaints, no effective action has been taken by the police authorities.

5. The Petitioner has also referred to an earlier order dated 22.11.2021 passed by this Court in **W.P.(CRL) 2283/2021**. In the said proceedings, learned Standing Counsel for the State had stated that instructions would be given to the Beat Officer to visit the house of the Petitioners therein every morning to ensure that there was no threat to their life and property. The said petition was disposed of on the aforesaid statement.

6. Learned counsel for the Petitioner submits that the incident dated 04.06.2026 is independent of the matrimonial dispute between the parties and that the existence of such dispute cannot be a ground for the police authorities not to act upon the complaints made by the Petitioner. It is submitted that despite repeated complaints regarding the alleged assault and threat to the Petitioner, no effective action has been taken.

7. *Per contra*, learned APP for the State submits that the Petitioner has not approached the jurisdictional Magistrate in respect of his grievance and has directly invoked the writ jurisdiction of this Court.

8. Heard learned counsel for the parties and perused the record.

9. The pleadings themselves show that the grievance raised by the Petitioner emanates from the incident dated 04.06.2026 and the alleged failure of the police authorities to take action on the complaints made thereafter. The Petitioner has specifically pleaded that his complaint discloses commission of cognizable offences and that the police authorities have failed to proceed in accordance with law.

10. In **Shishir Chand v. Govt. of NCT of Delhi & Ors., W.P.(CRL)**



3206/2025, this Court, after considering the statutory scheme under the BNSS, reiterated that a person aggrieved by non-registration of an FIR or by the manner in which his complaint has been dealt with by the police ought not to directly invoke the writ jurisdiction of this Court without first availing the statutory remedies. The Court further noted that Section 175(3) BNSS, which corresponds to Section 156(3) Cr.P.C., provides a remedy before the jurisdictional Magistrate.

11. Similarly, in ***Azam Khan v. State NCT of Delhi & Ors., W.P.(CRL) 974/2026***, the petitioner had sought, *inter alia*, registration of an FIR as well as police protection against alleged harassment and intimidation by private persons. Noticing that the petitioner therein had not approached the learned Magistrate for availing the statutory remedy, this Court declined to entertain the writ petition and dismissed the same.

12. In the present case, though the relief sought is for police protection, the grievance raised by the Petitioner is founded upon the alleged commission of cognizable offences by private persons and the alleged failure of the police authorities to take action on the complaints made by him. The Petitioner has approached different levels of the police hierarchy. However, nothing has been placed before this Court to show that, in respect of the grievance concerning non-registration of an FIR or failure of the police to act upon his complaints, he has approached the jurisdictional Magistrate under Section 175(3) BNSS.

13. In view of the aforesaid position, this Court does not find any ground to exercise its writ jurisdiction at this stage. The present petition is, accordingly, dismissed, with liberty to the Petitioner to avail such remedy as may be available to him before the jurisdictional Magistrate in accordance



with law. Pending application(s), if any, also stand disposed of.

14. It is clarified that this Court has not expressed any opinion on the merits of the allegations made by the Petitioner or the defence of any person against whom such allegations have been made.

15. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

SEPTEMBER 1, 2026/m