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

# **CNR No. DLHC010522332025**

+ **W.P.(CRL) 2390/2025**

MEHANOOR BANO

.....Petitioner

Through: Mr. K.S. Choudhary, Mr. Saurabh Tanwar, Mr. Pawan Rana and Ms. Nishtha Chaturvedi, Advocates.

versus

THE STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) with Mr. Alok Sharma, Advocate for the State.  
None for respondent nos. 4 and 5, though served.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**ORDER**

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**01.09.2026**

1. The petition has been filed in pursuant to FIR No. 406/2025 under section 329 (4) of the BNS, 2023, seeking a writ of mandamus for an independent enquiry into the petitioner's complaint dated 28.07.2025. The petitioner further seeks directions and removal of the alleged trespassers from her residence and protection of her life and liberty.

2. The prosecution's case is that her property was fraudulently transferred to respondent no. 4 using forged documents after she had



borrowed Rs. 2,00,000/- against the title documents. She lodged a police complaint and has also instituted a civil suit concerning the property, which is pending. It is further alleged that on 27.07.2025 at about 6:30 p.m., respondent nos. 4 and 5, accompanied by 20 to 25 persons, broke the CCTV cameras, forcibly entered the premises, removed the DVR, assaulted her sister and son, threw household articles onto the road and looted jewellery and cash. Despite repeated calls to 112 and 1091, the petitioner states that the police, upon reaching the spot, took her to the police station and confined her there until 1:00 a.m., leaving the premises unsecured.

3. Learned counsel for the petitioner submits that the officials of PS Jaitpur, Delhi were complicit in the dispossession, that their failure to secure the premises permitted the removal of the DVR and the destruction of the CCTV footage, that no FIR has been registered upon her complaint dated 28.07.2025 and that she has therefore lost faith in any investigation by the same police station.

4. These contentions are opposed by learned ASC for the State and they submit that the petitioner sold the property to respondent no. 4 and that the petitioner thereafter trespassed into the premises, pursuant to which FIR No. 406/2025 under Section 329(4) BNS was registered against her. Further submitted that on 27.07.2025 both parties were taken to the police station in pursuant for an examination.

5. I have considered the submissions made by learned counsel for the parties and also perused the record.

6. It is relevant to note that FIR No. 406/2025 was already registered at PS Jaitpur, Delhi on 16.07.2025 under Section 329(4) of the BNS, in respect



of the disputed premises. The existence of the said FIR is material to the present petition, as the petitioner's grievance concerns police action in relation to the same property dispute.

7. In this regard, reliance may be placed on the judgment of the Hon'ble Supreme Court in **Sakiri Vasu v. State of U.P. & Ors.**,<sup>1</sup> wherein the Supreme Court, while dealing with the appropriate remedy available where an FIR is not registered or proper investigation is not carried out, observed as under:

*“26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?*

*27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C.”*

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<sup>1</sup>2008) 2 SCC 409



8. Further, in ***Priyanka Srivastava &Anr. v. State of U.P. & Ors.***,<sup>2</sup>the court emphasised that the jurisdiction of the Magistrate under Section 156(3) Cr.P.C. is not to be invoked casually and that such applications must be preceded by recourse to Sections 154(1) and 154(3) Cr.P.C. and supported by a duly sworn affidavit. The relevant observations hereinbelow:

*“26. At this stage, it is seemly to state that power under Section 156(3) warrants application of judicial mind. A court of law is involved. It is not the police taking steps at the stage of Section 154 of the Code. A litigant at his own whim cannot invoke the authority of the Magistrate. A principled and really grieved citizen with clean hands must have free access to invoke the said power. It protects the citizens but when pervert litigations take this route to harass their fellow citizens, efforts are to be made to scuttle and curb the same.”*

9. The Court finds that , if the petitioner has any grievance in respect of her complaint dated 28.07.2025, she shall be at liberty to file a private complaint before the Court of competent jurisdiction, which shall be dealt with in accordance with law.

10. Bearing in mind the overall facts and circumstances of the case, no direction for registration of FIR is necessitated.

12. Accordingly, the writ petition stands disposed of.

**PURUSHAINDRA KUMAR KAURAV, J**

**SEPTEMBER 3, 2026/tr**

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<sup>2</sup>(2015) 6 SCC 287