

#13

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 08.10.2015

W.P.(CRL) 553/2015

LIYAQAT ALI

..... Petitioner

Through: Mr. Kamran Malik, Advocate with
Mr. Mobin Ullah, Advocate

versus

NCT OF DELHI & ORS

..... Respondents

Through: Mr. Rajesh Mahajan, ASC (Criminal)
with SI Chandan Kumar, PS- Jamia
Nagar, Delhi for R-1 & R-2
Mr. K.K. Manan, Sr. Advocate with
Mr. Ankush Narang, Advocate for R-3
& R-4

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A. Nos.4041/2015 & 4042/2015 (Exemption)

Exemption granted subject to all just exceptions.

The applications are disposed of accordingly.

W.P.(CRL) 553/2015

1. The present petition prays as follows:-

- “1. To issue a writ of protection/any other appropriate Writ, Order or Direction against the respondent Nos.1 and 2, directing them to give adequate security for the protection to the life and liberty of petitioner and his family;
2. To issue an appropriate Writ, Order of Direction against the respondent No.1, directing to compensate the petitioner for his suffering and disability in his hand;
3. To pass an order to set aside orders dated 12.08.2013 and 24.09.2013 passed by Ld. ASJ-04 & Spl Judge (NDPS), South East, New Delhi in FIR No.354 of 2013, PS-Jamia Nagar, under sections 307/326/341/34 IPC; and
4. To issue an appropriate Writ, Order or Direction against the respondent No.1, directing it to conduct fair and unbiased investigation or
5. To pass any such other Order or Direction which this Court may deem fit and proper in the facts and circumstances of the present case.”

2. Insofar as prayer clause 1 is concerned, the petitioner is entitled to his safety, security and well being. Resultantly, the police is directed to provide adequate protection to him. The Beat Constable of the area shall be sensitized in this behalf and telephone number of the Beat Constable as well as the SHO of the concerned Police Station shall be provided to the

petitioner, in order to enable the latter to approach the former, in the event of any threat or apprehension.

3. Insofar as prayer clause 2 is concerned, the present petition alleges negligence on the part of the police. However, the petition is completely bereft of any details as to how the police has been negligent, insofar as the present petitioner is concerned. The same are, consequently, just bald assertions, unsupported by any material. The prayer is, therefore, devoid of merit and cannot be countenanced by this Court.

4. Coming to the third prayer in the present petition, it is observed that the orders granting regular bail to the private respondents were passed by the concerned Courts as far back as on 12.08.2013 and 24.09.2013. Learned counsel appearing on behalf of the petitioner has been unable to show how the private respondents, who were enlarged on bail by the competent Courts, have violated the terms and conditions on which they were enlarged on bail. Even otherwise, the present prayer has been sought belatedly on behalf of the petitioner for reasons best known to him. The said prayer is untenable at this stage.

5. Insofar as the prayer clause 4 is concerned, it is noticed that the charge sheet in the subject FIR has already been filed on behalf of the police. The

matter is pending adjudication before the concerned trial court. The petitioner as the complainant in the subject FIR would be at liberty to approach the trial court in this behalf, if so advised, in accordance with law.

6. The present petition is consequently an abuse of the process of the Court and is accordingly dismissed.

7. No costs.

SIDDHARTH MRIDUL, J

OCTOBER 08, 2015

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