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

+ W.P.(CRL) 1151/2015

ASHA

..... Petitioner

Through :Mr. R.M. Bagai and Ms. Damini
Khaira, Advs.

versus

STATE & ORS.

..... Respondents

Through :Mr. Sanjeev Bhandari, ASC with
Inspector Jitender and SI Yogesh Raj,
P.S. Prashant Vihar for respondent
no. 1

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **27.05.2015**

By this writ petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C., petitioner has prayed that respondent no. 1 be directed to register an FIR under Sections 448/451/395 IPC against respondent nos. 2 to 7. Alternative efficacious remedy of approaching the Metropolitan Magistrate under Section 156(3) of the Cr.P.C. is available to the petitioner. Learned counsel for the petitioner contends that remedy to approach the Metropolitan Magistrate is not an efficacious remedy and the appropriate remedy is to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the

Cr.P.C. for registration of the FIR.

The disputes between the parties appear to be over the tenanted property. Petitioner claims to be the tenant of one Ms. Hema. Petitioner has alleged that respondent nos. 2 to 7 had approached the petitioner in the month of March, 2014 and asked her to handover the possession on the pretext that they had purchased the tenanted premises. It is further alleged that petitioner had approached the Civil Court seeking injunction against the respondent nos. 2 to 7 from dispossessing the petitioner, wherein status quo order was passed. However, during the pendency of the suit, respondent nos. 2 to 7 disconnected the electricity connection and also locked the suit premises while petitioner was inside the house. She made PCR calls, police arrived there but did not take any action. Subsequently, petitioner was compelled to leave the suit premises.

In Sakiri Vasu Vs. State of U.P. and Others, AIR 2008 SC 907, Supreme Court has held 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?”

Accordingly, I am not inclined to entertain this writ petition and the same is dismissed. However, petitioner would be at liberty to approach the Metropolitan Magistrate to avail the alternative remedies as may be available to her.

A.K. PATHAK, J.

MAY 27, 2015
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