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

+ W.P.(CRL) 280/2016

BAL RAJ

..... Petitioner

Through: Mr.Javed Ashraf Khan & Mr.Suhail
Shariq, Advocates

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through: Mr.Avininder Singh, A.S.C. for the
State with Mr.Ananya Mohan, Adv.
with SI Dharmendra Pratap
Singh PS Samaipur Badli
Ms.Shiva Lakshmi, CGSC for R-7

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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26.05.2016

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India read with Section 482 of Cr.P.C.by impleading State, Commissioner of Police, Dy. Commissioner of Police, SHO PS Badli, S.D.M., North Delhi, I/C Veterinary Hospital and Union of India through Secretary Panchayat and with the following prayers:-

- (i) To issue a writ of mandamus or any other appropriate writ, order or directions directing the respondent Nos.2 to 4 to book and punish the said uncalled agents of respondent Nos. 5 to 7 under appropriate law, and provide necessary safety and protection to the petitioner and his family at the cruel hands of the said persons whose names are not known to the petitioner and acted as agents of respondent Nos. 4 to 7 and to save the petitioner and his family members in the interest of justice.
- (ii) To allow costs of the present proceedings in favour of the petitioner and against the respondent.

2. Detailed reply affidavit has been filed by respondent Nos.2 to 4 wherein in para Nos. 5 to 7 it is mentioned as under:-

“5. That on 31.12.2015 a letter was received from I/C Veterinary Hospital, Badli as per which police staff was sought for removal of encroached structure from the premises of Veterinary Hospital, Village Badli, Delhi, but no one came on 05.01.2016 requesting for any police force.

6. That the petitioner claimed that on 05.01.2016 the staff of MCD came there to take the possession of the property but no one approached local police on 05.01.2016, neither from the petitioner’s side or from land owing agency’s side, moreover, no intimation regarding the same was received from either side on 05.01.2016.

7. That on receipt of said complaint dated 16.01.2016, the statement of complainant was recorded wherein he corroborated the above mentioned facts and no cognizable offence was found to be made out. Thus the said complaint was filed.”

3. Dispute over the property in question is concerned, it being a question of fact cannot be adjudicated in a writ petition. However, so far as prayer of the petitioner to protect his life is concerned, it has been assured on behalf of the State that in case of any apprehension or threat to his life number of SHO and Beat Constable has been provided to the petitioner to contact if the necessity arises.

4. In view of the assurance made on behalf of the State, learned counsel for the petitioner seeks permission to withdraw this petition with liberty to avail the appropriate remedy in respect of the dispute over the property in question.

5. The writ petition is dismissed as withdrawn granting the liberty as prayed.

PRATIBHA RANI, J.

MAY 26, 2016/‘pg’

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