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

+ W.P.(CRL) 515/2016

SAHANA KHATOON

..... Petitioner

Through :Mr. Manish Kumar and Mr. Anil
Kumar Yadav, Advs. with petitioner
in person.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through :Mr. R.S. Kundu, ASC with Mr.
Ankit Kumar Gulia, Adv. and SI
Ashish Tyagi, P.S. Nihal Vihar for the
State
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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29.09.2016

Respondent no. 2 is son of petitioner. Respondent no. 3 is wife of respondent no. 2. Petitioner has approached this Court seeking police protection. She has alleged in the petition that respondent nos. 2 and 3 had been harassing and beating her on quite often (dates have been given in the writ petition), in order to pressurize her to transfer her immovable property in the name of respondent no. 2. Respondent nos. 2 and 3 are trying to dispossess her from her house. Petitioner lodged a written complaint with

the Station House Officer, P.S. Nihal Vihar, vide DD No. 25-B dated 17th January, 2014 but no action was taken. On 13th January, 2014 respondent nos. 2 and 3 along with some bad elements, beat up the petitioner, her daughter Nilofar Ara @ Jully and her husband Abdulah Hamid. A telephone call was made at 100 number pursuant whereof police officials arrived in a PCR van, but no action was taken against the respondent nos. 2 and 3. On 7th February, 2016 also respondent nos. 2 and 3 gave beatings to her. She made a telephone call at 100 number when PCR van arrived, but no action was taken. Petitioner filed an application under Section 156(3) of the Cr.P.C. before the Chief Metropolitan Magistrate, Delhi on 15th January, 2014. Respondent nos. 2 and 3 appeared in court and stated that they will not harass the petitioner in future, accordingly, application was withdrawn by the petitioner. Petitioner also filed a suit for permanent and mandatory injunction against the respondent nos. 2 and 3, but the same was also withdrawn by her in view of the settlement. Petitioner alleges that she is still being tortured by the respondent nos.2 and 3.

Respondent no. 2 is present in Court and submits that whenever his sister Nilofar Ara @ Jully and brother-in-law Abdulah Hamid visit their house, they instigate the petitioner, resulting in quarell between them. He

submits that petitioner is his mother and respondent nos. 2 and 3 have no intention to dispossess her from the house.

Petitioner is a Senior Citizen. Disputed question of fact cannot be adjudicated in this writ petition. Be that as it may, vide order dated 17th February, 2016 respondent no. 1 was directed to provide necessary protection to the petitioner through Station House Officer, P.S. Nihal Vihar. It was further directed that Station House Officer, P.S. Nihal Vihar shall ensure that petitioner is not harassed or treated with cruelty by respondent nos. 2 and 3. Further that Station House Officer, P.S. Nihal Vihar shall also ensure that petitioner is able to stay in her house peacefully.

Writ petition is disposed of with the directions that Station House Officer, P.S. Nihal Vihar, Delhi shall instruct the beat constables to visit the petitioner on regular basis to inquire about her wellbeing and safety of the petitioner shall be ensured by the SHO concerned. Dasti.

A.K. PATHAK, J.

SEPTEMBER 29, 2016

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