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

+ W.P.(CRL) 2664/2016 and CRL.M.A. 14237-14238/2016

BARINDER PAL SINGH BRAR

..... Petitioner

Through: Mr. Ankur Mittal, Advocate.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Rajesh Mahajan, ASC and
Ms.Parul Jamwal, Advocate, along
with Inspector Dhiraj Kumar and ASI
Veena Sharma, DIU/South West, for
the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
14.09.2016

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Issue notice. Mr. Mahajan appears and accepts notice. He has tendered the status report in Court, which is taken on record.

In view of the said status report and the statement made by Mr.Mahajan, as taken note of hereinafter, I do not consider it necessary to issue notice to respondents No.2 & 3 and the matter can be disposed of at this stage itself.

The petitioner has preferred the present writ petition to seek a direction for transfer of investigation in the following three FIRs, all registered with Police Station – Dwarka South to another investigating

agency and/ or a police station outside Dwarka. The three FIRs are as follows:

- 1) FIR No.193/2016 under Section 354/ 509/ 323/ 34 IPC;
- 2) FIR No.194/2016 under Section 354/ 323/ 506/ 34 IPC; and
- 3) FIR No.195/2016 under Section 354/ 323/ 506/ 509/ 34 IPC.

The aforesaid are cross-FIRs preferred by the petitioner and respondents No.2 & 3. The grievance of the petitioner is that respondent No.3 is an advocate practising at Dwarka Courts Complex. Respondent No.2 is the estranged wife of the petitioner. Respondent No.3 is the junior of the advocate appearing for respondent No.2 in the Court proceedings against the petitioner.

The submission of learned counsel for the petitioner is that the counsel representing respondent No.2 is a leader of the Bar, Dwarka Courts Complex and the petitioner has been subjected to assault, and false complaints have been filed against him at the instance of respondent No.2.

The status report tendered in Court discloses that all the three cases aforesaid have been transferred to the District Investigation Unit (DIU) vide order No.1443-36 AC-II/SO-DCP/SWD dated 08.09.2016. Cases being FIR No.193/2016 under Section 354/ 509/ 323/ 34 IPC and FIR No.195/2016 under Section 354/ 323/ 506/ 509/ 34 IPC, PS-Dwarka South are being investigated by ASI Veena Sharma, and the case being FIR No.194/2016 under Section 354/ 323/ 506/ 34 IPC, PS-Dwarka South is being investigated by Inspector Dhiraj Kumar.

Mr. Mahajan submits that so far as the apprehension of threat entertained by the petitioner with regard to his safety is concerned, the State shall ensure that sufficient protection is provided to the petitioner against

any assault by anyone, including respondents No. 2 & 3 or other advocates practising at Dwarka Courts Complex.

Without going into the correctness of the allegations made by the petitioner against respondents No.2 & 3, and without constituting any finding against them, the petition is disposed of by directing the I.O.s in the aforesaid cases to ensure safety of the petitioner as and when he appears before the Courts at Dwarka in the above cases. Sufficient arrangement shall be made so that he is not put to any physical harm by anyone.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SEPTEMBER 14, 2016

B.S. Rohella