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

+ W.P.(CRL) 2712/2016

MRS KIRAN LILARAM

..... Petitioner

Through: Ms. Gayatri Puri & Ms.Mahjabeen,  
Advocates.

versus

STATE (NCT) OF DELHI & ORS

..... Respondents

Through: Mr. Rajesh Mahajan, ASC and  
Mr.Peeyush Bhatia, Advocates along  
with SI Yogesh Kumar, PS-Malviya  
Nagar, for the State.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**ORDER**

**16.09.2016**

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The petitioner has preferred the present writ petition to seek a direction to respondents No.2 & 3, i.e. the State to extend full protection to the petitioner and her children to enter her matrimonial home, i.e. S-200, Panchsheel Park, New Delhi. The petitioner also seeks a direction to the respondent No.2/ SHO, PS - Malviya Nagar to register FIR against respondents No.4 to 7 under the provisions of the IPC for offence of threat, cruelty, brutality, abuses, insult, intimidation and force.

It appears that the petitioner has a matrimonial dispute with her husband, i.e. respondent No.4. Respondents No.5, 6 & 7 are the parents-in-law and brother-in-law of the petitioner. The submission of learned counsel for the petitioner is that the petitioner was residing with her husband and children in a tenanted accommodation. The petitioner suddenly received a

notice from her husband seeking divorce and the husband has stopped paying the rent of the premises. The private respondents No.4 to 7 have shifted to the matrimonial home, i.e. S-200, Panchsheel Park, New Delhi after its renovation, however, the petitioner and her children are not being allowed entry into the said premises. Learned counsel submits that the rent of the tenanted premises is no longer being paid by the petitioner's husband and the landlord is likely to evict the petitioner and her children from the said accommodation. Learned counsel submits that yesterday the landlord of the rented premises bearing No.C-77, Shivalik, New Delhi has asked the petitioner to vacate the premises.

In my view, the petitioner cannot seek the first relief, as sought in this petition, in these proceedings. It is open to the petitioner to either invoke the provisions of Section 12 of the Protection of Women from Domestic Violence Act, or to prefer a civil suit to seek injunctive and other reliefs.

So far as the petitioner's grievance with regard to registration of First Information Report is concerned, the respondents No.1 to 3 are directed to examine the complaint and register the FIR in case a cognizable offence is made out.

The petition stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**SEPTEMBER 16, 2016**

*B.S. Rohella*