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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 19.05.2016

W.P.(CRL) 2530/2014 & CRL.M.A. Nos.605/2015, 5393/2015 & 6948/2015

MANJULA VERMA KRIPPENDORF Petitioner

Through: Mr. M.L. Yadav, Advocate with Mr. Lokesh Chandra, Advocate along with petitioner in person

versus

COMMISSIONER MCD & ANR Respondents

Through: Mr. Ajay Digpaul, Advocate with Mr. Kunal Gosain, Advocate for R-1/SDMC
Mr. Rajesh Mahajan, ASC (Criminal) with Ms. Parul Jamwal, Advocate with SI Deepak Panwar, PS- Defence Colony for R-2
Mr. Vikas Pahwa, Sr. Advocate with Mr. Dhruv Gupta, Ms. Kinnori Ghosh and Mr. Aditya Dogra, Advocates for R-3

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 prays as follows:-

“In view of the above facts, premises and circumstances, the duty bound, and fully conscious of its responsibilities, the petitioner, most respectfully prays that this Hon’ble Court may graciously be pleased to:

- a) Issue directions to the MCD to seal the first and second floors of the property as per the affidavit and status report given to the High Court on 15.01.07 and 10.07.08.
- b) Issue a further writ order or direction kin nature of a Mandamus, directing the respondents to restore the security given to the petitioner and her handicapped daughter.
- c) Issue a further order to the Commissioner and other Police Officials to explain their failure in protecting the petitioner rights and unlawful detention in the night of 02.07.2011.
- d) Quash the three FIRs No.85/2011, 146/2010 and P.S. Defence Colony and the connected charge sheets filed by the respondents at the behest of first and second floors trespassers against the petitioner and stay the proceedings therein before the Court of Smt. Ld. M.M., Saket Courts in the meanwhile.
- e) Direct the respondents to compensate the petitioner to the tune of Rs.50 lacs (Rupees Fifty Lacs only) for the mental and physical torture that she and her handicapped daughter is going through all these years for failure on their part in protecting her constitutional fundamental rights.
- f) Kindly grant the petitioner a lawyer through

Delhi Legal Services as the petitioner is retired, and has financial difficulty in coping with the numerous cases that the defendants have caused by their connivance with the trespassers and builder Vijay Dixit.

- g) Permit the petitioner to amend the suit as she has prepared it without access to legal support.
- h) Grant such other, further relief/s in the facts and circumstances of the case as this Hon'ble Court may deem just and equitable in favour of the petitioner."

2. Insofar as, prayer clause (b) is concerned, this Court by way of order dated 19.12.2014 had directed the State to "*sensitize the local police officers about the apprehension expressed by the petitioner to her and her daughter and sensitize the Beat Staff to be more vigilant so as to ensure the safety of the petitioner and her daughter.*"

3. Dr. Krippendorf, the petitioner herein, states that, she now has two Personal Security Officers (PSOs) assigned by the Special Cell of the Delhi Police, to ensure her as well as her daughter's safety and well-being and is satisfied qua their safety.

4. Insofar as, prayer clause (f) is concerned, the petitioner is being represented by Mr. M.L. Yadav, Advocate, who has been appointed by the Delhi High Court Legal Services Committee, subsequent to the directions passed by this Court by way of order dated 10.08.2015.

5. Insofar as, prayer clause (a) is concerned, Mr. Yadav, learned counsel appearing on behalf of the petitioner does not press this prayer and

prays for a liberty to institute an appropriate proceeding in accordance with law, if so advised.

6. Prayer clauses (c), (d), (e) and (g) are not pressed, save and except to state that, in the subject FIRs challans have been filed and the petitioner prays for liberty to seek discharge in those proceedings, before the concerned Courts, in accordance with law, in relation to prayer clause (c), (d) and (e) and move an appropriate application before the competent court in relation to prayer clause (g).

7. Liberty, as prayed for, is granted.

8. In view of the foregoing, all the prayers, as aforesaid, have been considered and appropriate directions issued, where necessary.

9. However, Dr. Krippendorf, the petitioner herein, states that a large number of complaints have been addressed to the police authorities by her qua numerous incidents that have occurred at her residential house, namely, B-56, Defence Colony, New Delhi. Mr. Yadav, learned counsel appearing on behalf of the petitioner would urge that the DCP of the concerned area be directed to look into those complaints and a response in this behalf would be necessary.

10. Mr. Mahajan, learned Additional Standing Counsel (Criminal) appearing on behalf of the police states on instructions from the IO in the subject FIR, namely, SI Deepak Panwar, Police Station- Defence Colony that he has now received copies of the complaints from Dr. Krippendorf, the petitioner herein, and that the DCP (South District) shall take

appropriate steps on the said complaints, in accordance with law, under intimation to the petitioner, within a period of six months from today.

11. Directed accordingly.

12. With the above directions, the writ petition is disposed of. All pending applications also stand disposed of.

13. *Dasti.*

MAY 19, 2016
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SIDDHARTH MRIDUL, J

