$~27

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

\+ W.P.(CRL) 1933/2016 and Crl. M.A. 7847/2017

RAMA BUDHIRAJA ..... Petitioner

Through: Ms. Harvinder Chaudhary, Dr. Nishesh Sharma, Mr. Ramesh Chand, Sangam, Ms. Meera Patel and Mr. Tejas Patel, Advocates

versus

COMMISSIONER OF POLICE & ORS ..... Respondents

Through: Mr. R.S. Kundu, ASC for R-1/State with SI Pawan Singh, PS Krishan Nagar
Mr. Mukesh Anand, Advocate for R-3

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

O R D E R

% 11.05.2017

Having heard the submissions, and having gone through the status report and the other material on record, it is vivid that the petitioner and the private respondents have been at loggerheads with each other for quite some time past, each side having made complaints against the other. In the process, at the instance of the third respondent at least two FIRs having been registered they including FIR 62/2016 of police station Krishna Nagar under Sections 323, 341, 509, 34 IPC and FIR no.535/2016 under Sections 498A, 406, 34 IPC of police station Krishna Nagar. Besides this, the third respondent has also taken out proceedings under the Protection of

Women from Domestic Violence Act, 2005 in which the petitioner is the respondent, this besides certain other litigation including on account of custody of the minor child of the third respondent and her claim to maintenance under Section 125 Cr. PC.

In these circumstances, the questions of fact raised by the petitioner ought and cannot be addressed in the writ jurisdiction. Since the petitioner has also expressed her grievances against the police machinery, it would be proper to leave pursuit of appropriate remedy in case of any excess or breach of the law by the police officials by complaint before the court of Magistrate.

With these observations, the petition is disposed of.

R.K.GAUBA, J

MAY 11, 2017
yg