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

+ **W.P.(CRL) 819/2018**

RAM BABU SAINI & ANR

..... Petitioner

Represented by: Mr. Fayyaz Ahmad, proxy
counsel.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Ms. Kamna Vohra, ASC with
Mr. Sarabjeet Kaur, Advocate
with SI Anuj Singh, PS Hazrat
Nizamuddin.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.05.2018

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1. By this petition, the petitioners pray that they be protected from the hands of respondent No. 2.
2. The case of the petitioners is that petitioner No. 1 is a retired government employee and is residing with petitioner No. 2 at 8/5-6, 3rd Floor, Jangpura Lane, Bhogal, New Delhi. On the second floor of the same property respondent No. 2 is living along with his wife and children. Petitioners allege that respondent No. 2 creates nuisance on every petty issue as he has an evil eye on the property. It is alleged that the officials of respondent No. 1 visit the house of the respondent No.2 giving them moral support to act against the petitioners. On 27th September, 2012, the petitioners felt threaten for their life due to the conduct of respondent No. 2 and thus filed a complaint before the Chairman, National Human Rights
W.P.(CRL) 819/2018

Commission. The copy of the same was also sent to other departments.

3. It is further alleged that on 22nd January, 2017 a quarrel took place between petitioner No. 2 and respondent No. 2 and a PCR call was made. It is alleged that the daughter of the petitioners have also given complaints to the local police but no action was taken on the same and that the police officials instead of taking legal action against respondent No. 2 prepared a kalandra under Sections 107/150 Cr.P.C.

4. As noted from the petition and the complaints annexed therewith there is no allegation that the respondent No. 2 committed any cognizable offence. The dispute between the parties is in relation to terrace rights of the property. Along with the petition no documents have been placed on record to show that the petitioners have any rights to own the terrace.

5. Be that as it may, a civil suit being No. 1047/2017 has been filed by the respondent No. 2 against the petitioners seeking permanent and mandatory injunction before the learned Civil Judge, South East District and an interim order has already been passed in favour of the respondent No. 2 on 13th February, 2018.

6. Considering the averments in the petition and the nature of complaints this Court finds no ground to grant any protection to the petitioners.

7. Petition is dismissed.

MUKTA GUPTA, J.

MAY 16, 2018

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