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

+ **W.P.(CRL) 2679/2016**

DANISH MAHFOOZ

..... Petitioner

Represented by: Mr. Santosh Kumar Suman,
Advocate with petitioner in
person.

versus

STATE & ORS

..... Respondents

Represented by: Ms. Nandita Rao, Additional
Standing Counsel for State with
SI Braham Pal Singh, PS
Malviya Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.09.2018

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1. By this petition, petitioner seeks directions to respondent No.3 to register FIR against respondent Nos. 4 to 6 on the complaint dated 13th March, 2016 and take action against the erring officers for dereliction of their duties in not registering the FIR.
2. In the complaint dated 13th March, 2016 addressed to SHO, PS Malviya Nagar the petitioner states that he has been residing at 21-A, Second Floor, Gandhi Park, Hauz Rani, Malviya Nagar, New Delhi and is real owner of the second floor with terrace having the original keys of the second floor terrace lock. On 21st April, 2015 Mauulana Noorul Ain, Monazir Hussain, Shashikant Saxena and others prepared three duplicate keys of the lock of his house of terrace and forcibly entered on his terrace without his consent.

3. On 15th September, 2016 notice was issued by this Court in the present petition noting that the petitioner has two grievances firstly that the other occupants of the building who have been impleaded as respondent Nos. 4 to 6 have installed CCTV cameras which infringe the privacy of the petitioner and his family members. Secondly, that the petitioner is an exclusive owner and in occupation of the terrace floor however, the police have got duplicate keys made for the entry to the terrace floor and distributed to the other occupants. This Court also directed that in case any CCTV cameras are found to be placed in such a manner as to infringe the privacy of any of the occupants, they shall be removed and their directions shall be permanently changed so that the privacy of the occupants are not infringed.

4. As per the status report on inspection of the site it was found that there were 14 water tanks, 4 Dish Antennas and five air conditioning fans installed on the terrace of the said building belonging to the residents of the said building. Complaints were received from respondent Nos. 4 to 6 in connection with disputes over access to terrace for cleaning of water tanks, AC fans and setting of Dish Antenna. There was apprehension of breach of peace amongst the residents of building so after an amicable solution, the petitioner provided duplicate keys to the respondent Nos. 4 to 6 himself of his own free will. The house was built upto the second floor and there were total 8 CCTV cameras installed, four by the petitioner and four by the respondents. Directions of each of the camera was checked and none of them was found infringing the privacy of the petitioner and his family members. The two cameras of the respondent were found facing the main road in front of the house and other two facing the staircase of the first floor.

Further in respect of the disputes that arose due to the fresh construction by the petitioner a complaint case has already been filed by the petitioner coupled with an application under Section 156 (3) Cr.P.C. before the learned Metropolitan Magistrate.

5. Considering the nature of allegations and the report received no cognizable offence having been found out no case for direction to register FIR is made out.

6. Petition is dismissed.

MUKTA GUPTA, J.

SEPTEMBER 18, 2018

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