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

+ **W.P.(CRL) 1886/2017**

ARJUN SINGH

.... Petitioner

Represented by: Mr.I.C.Mishra, Advocate

versus

COMMISIONER DELHI POLICE & ORS

... Respondents

Represented by: Ms.Kamna Vohra, ASC for the
State with Insp. Ashok Kumar,
PS Prahlad Pur

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.05.2018

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1. By the present petition, the petitioner seeks directions to respondent No.1 for legal action on his complaint, proper investigation on the complaint by respondent No.6 or by any Senior Officer of the Crime Branch which should not be interfered by respondents No.2 or 5 and restoration of the possession of the petitioner as provided under Section 145 Cr.P.C.

2. A Status Report has been filed. As per the Status Report, a complaint was given by Ms.Manjeet Kaur alleging that the petitioner Arjun Singh Chouhan and his son Vikash Chouhan who are property dealers were grabbing the property of Gurbachan Singh Bawa, her brother. It is alleged that when she visited the plot No.E-29/A, Pul Prahaladpur, New Delhi, she found that Arjun Singh was present there and construction work was going

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on. During the course of inquiry, neither Manjeet Kaur nor the petitioner could produce any document to support the ownership of the property i.e. E-29/A, Pul Prahaladpur, New Delhi.

3. In this petition, the petitioner seeks action and proper investigation of his complaints dated 31st March, 2017 and 3rd April, 2017 and restoration of possession as provided under section 145 Cr.P.C. and modification of the order of the learned Metropolitan Magistrate dated 1st March, 2017.

4. From the documents placed on record by the petitioner itself, it is evidence that after the petitioner received a notice from ASI Rampal Singh, PS Pul Prahaladpur asking him to join inquiry on 8th February, 2017 on a complaint of Ms.Manjeet Kaur, the petitioner approached the learned Metropolitan Magistrate with an application seeking calling of a Status Report and directions that he be not dispossessed from properties Nos.E-29 and C-197, Pul Prahaladpur. On the said application, learned Metropolitan Magistrate called for a Status Report wherein the Status Report as has been noted in para 2 above was filed. The learned Metropolitan Magistrate disposed of the application noting that the complainant before the police was a senior citizen and on conducting preliminary inquiry, the police has found out that no cognizable offence is made out and no FIR has been registered hence no interference was warranted. It was further held that prayer of the applicant in the application that he should not be dispossessed without due process of law was a subject matter of civil nature and the applicant is at liberty to pursue his rights as per law. Thereafter, the petitioner filed a complaint to the DCP (South East) Sarita Vihar enclosing copy of the application addressed to the learned Metropolitan Magistrate and the Status

Report dated 28th February, 2017.

5. As noted above, no complaint was given by the petitioner that he was being dispossessed or that his possession be restored under Section 145 Cr.P.C. and his grievance was when he was asked to join the inquiry on the complaint of Ms.Manjeet Kaur. The learned Metropolitan Magistrate rightly noted that on the complaint of Ms.Manjeet Kaur, no FIR was registered and the grievance of the petitioner to the extent of restoration of possession etc. was a civil remedy which he was at liberty to pursue and no action was warranted in the application is a legal order and warrants no interference.

6. Petition is dismissed.

MUKTA GUPTA, J.

MAY 07, 2018

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