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

+ W.P.(CRL) 3472/2016

SMT KALPANA DEVI

... Petitioner

Represented by: Mr.G.S.Sharma with
Mr.V.K.Sharma and
Mr.R.A.Sharma, Advocates

versus

STATE (GNCT OF DELHI) & ORS

... Respondents

Represented by: Mr.Ashish Aggarwal, ASC for
the State with SI Prempal
Singh, PS Bhajanpura
Mr.Sunil Kumar, Advocate for
respondents No.4 to 6

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
30.07.2018

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By this petition the petitioner prays a writ of mandamus to the respondents No.1 to 3 directing them to ensure the safety of the petitioner at the hands of respondents No.4 to 6. In the petition, the claim of the petitioner is that in the year 2005, respondents No.4 and 5 quarrelled, assaulted her, threatened her with dire consequences and forced the petitioner to leave the property. In the entire complaint, no specific incident has been given as to when the respondent No.4 or 5 assaulted the petitioner.

A detailed reply has been filed by respondents No.4 to 6 claiming that the petitioner was never married to their father late Bachan Singh

though she was living with him. The petitioner continued to live in the house which was initially owned by father of respondents No.4 to 6, who during his lifetime itself sold the property to his three sons. It is thus claimed that the petitioner has no right to stay in the property. Respondents No.4 to 6 have placed on record documents to show that in a civil suit filed by respondent No.4 seeking eviction of the petitioner, a decree was passed in his favour and the learned Trial Court held that the petitioner has no legal right to remain in possession of the suit property as she was no more than a permissive user of the suit property inducted by late father of respondent No.4. Learned counsel states that after the eviction from the ground floor the petitioner started residing on the first floor with respondent No.5 wherein also, she does not have any right.

It is thus evident that in the garb of protection from respondents No.4 to 6, the petitioner seeks stay of dispossession from the suit property. The said order cannot be passed in a criminal writ petition. Petitioner would be at liberty to take remedies in accordance with law. Needless to state as and when any complaint of any cognizable offence is lodged by the petitioner, action thereon will be taken on accordance with law by the concerned SHO.

Petition is dismissed.

MUKTA GUPTA, J.

JULY 30, 2018
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