

\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2297/2018 and CRL.M.A. 29148/2018
AFTAB KHAN Petitioner

Through: Mr Alamgir, Advocate.

versus

STATE & ORS. Respondents

Through: Mr Jamal Akhtar and Mr Amanpreet
Singh, Advocate.
SI C.P. Singh, PS Jamia Nagar, New
Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.09.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent nos. 1 to 4 to act on his representation dated 09.07.2018 and 18.07.2018. The petitioner also prays that directions be issued to respondent no.4 to ensure the petitioner's safety and to provide security of the petitioner's life and his family members. The petitioner further prays that a writ of prohibition be issued against respondent no.4 and its officials from undertaking any coercive action against the petitioner and from killing him under the garb of an encounter.
2. Insofar as the petitioner's representation dated 09.07.2018 regarding unauthorised construction is concerned, the petitioner is at liberty to make an appropriate complaint before the South Delhi Municipal Corporation, as well as the Special Task Force (STF) which has been constituted by the Supreme Court to check unauthorised constructions and encroachment in Delhi.
3. This Court is also informed that the petitioner had filed several writ

petitions in this regard.

4. Insofar as the petitioner's prayer regarding representation dated 18.07.2018 is concerned, it is seen that the petitioner has sought protection from the police authorities. In the event the petitioner is able to present any cogent material to indicate that he is under real threat from any third party, the SHO, PS Jamia Nagar shall examine the same. In the event the SHO finds the threat to be real, he shall provide such protection to the petitioner as he considers necessary.

5. Insofar as the petitioner's prayer that respondent no.4 and its officials be restrained from taking any coercive steps against the petitioner is concerned, no such orders can be passed. In the event respondent no.4 (receives any information) regarding any offence on the part of the petitioner, he would be bound to take the necessary steps in accordance with law. Clearly, there is no material for this Court to believe that the petitioner is at a risk of a fake encounter and no orders in this regard are necessary.

6. This Court is also informed that the petitioner is involved in eight cases. However, he has been acquitted in six cases. Considering that the petitioner has already been acquitted in six cases, respondent no.4 is directed to ensure that proper inquiries are conducted before registering any further cases against the petitioner.

7. The petition is disposed of with the aforesaid directions. The application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 17, 2019
RK