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

+ **W.P.(CRL) 2890/2018**

MEHFULKHATOON

..... Petitioner

Represented by: **Mr.M.N.Haq, Advocate**

versus

DELHI POLICE & ORS.

..... Respondents

Represented by: **Mr.Sanjay Lao, ASC for the State
with SI Rajiv PS, Jaitpur**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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16.01.2019

1. By this petition, the petitioner inter-alia prays as under:-

“a) Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to not to interfere with the peaceful residence of the petitioner and maintain status quo till the final disposal of the Civil Suit bearing No.CS SCJ 50780 of 2016.

b) Question the respondent No.1-4 about the authority from which they have derived power of subjecting the petitioner and her family members to such atrocities;

c) order or direct the respondent No.1-4 to ensure safety and protection to the life and property of the petitioner;

d) It is further prayed that the respondents may be directed to restore/restitute of the premises of the petitioner in the same condition in which it was existing before the causing of the

atrocities and harassment by the respondents along with the compensation for loss suffered and violation of fundamental rights of the petitioner.

e) Any further order and relief as is deemed fit and proper in the given facts and circumstances of the case may kindly be passed in favour of the innocent petitioner and against the respondents who have committed unimaginable atrocities on the petitioner.”

2. The petitioner claims to be the lawful owner and is in possession of the property bearing No.H-697, Jaitpur Extensio-II, Jaitpur, New Delhi-110044 and he claims that certain miscreants builders and contractors are trying to grab the same and for which he has filed a civil suit and pending disposal of the civil suit his possession in the property and life be protected.

3. A status report has been filed. As per the status report, FIR No.62/2014 under Sections 380/448/34 IPC was registered on 3rd February, 2014 against the petitioner claiming that the petitioner was trespasser in the property and that the documents produced are forged and fabricated. Learned Additional Standing Counsel for the State submits that on investigation in the said FIR, it was found that the documents of the petitioner were forged and fabricated and thus charge sheet has been filed in FIR No.62/2014 under Sections 380/448/420/468/471/34 IPC against the petitioner Mehful Khatoon and her husband Noor Mohammad S/o Mohammad Hamid.

4. The petitioner was conscious of the fact that a FIR has been registered against the petitioner in the year 2014 which material fact has been concealed in this petition filed on 2nd September, 2018. Moreover the prayer clause that pending decision in the civil suit, this Court would in a

criminal writ petition protect the possession property of the petitioner is wholly misconceived.

5. Petition is dismissed with a cost of ₹10,000/- to be deposited with the Delhi High Court Legal Services Committee within four weeks.

MUKTA GUPTA, J.

JANUARY 16, 2019

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