

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

+ **W.P.(Crl) No. 395/2020**

% **Date of decision: 10th February, 2020**

YASHPAL SEHRAWAT & ANR. Petitioners

Through: Mr. Arun Khatri, Mr. Amit Kumar, Mr. Vikas Verma, Mr. Rishabh Kalani and Ms. Kriti Krishna, Advs.

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Avi Singh, ASC for the State with Mr. Divyanshu Sharma, Adv.

**CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

RAJNISH BHATNAGAR, J.

Crl. M.A. No. 2955/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(Crl) No. 395/2020

1. By way of this petition, the petitioner is seeking a direction for registration of FIR with regard to the incident dated 1.2.2020 against the respondent/police officials.

2. The petitioner has also claimed compensation to the tune of Rs.5 crores from the respondents.

3. In brief, the facts of the case are that in the intervening night of 21/22.12.2019, complainant Ganga Ram, son of Sh. Balak Ram filed a complaint vide DD No. 24B dated 19.12.2019 in the police station Vasant Kunj South. In the complaint, it was alleged that some persons including the petitioner no.1 were trying to construct a boundary wall at the land in question, by virtue of which, SI Bhagwan Singh along with staff rushed to the spot i.e Khasra No. 1192, 1193, 1236 and 1237/1, Village Rangpuri, Near Shamsan Bhumi, New Delhi where one other person namely Rishipal, brother of the petitioner no.1 met and after that all of them including some other ladies belonging to their respective families who were also present at the spot started quarrelling with each other and had very hot arguments among on the issue that which part of the above said land belongs to which party and were threatening each other in abusive language creating nuisance in the vicinity. All the above mentioned persons were showing their possession over the land and were threatening each other for dire consequences. Hence keeping in view the prevailing circumstances action under Section 107/150 Cr. P.C and 145 Cr.P.C was initiated in the matter. At the time of initiating the action all the parties were directed to maintain the status quo in the disputed land till the disposal of the matter before the concerned court.

4. Counsel for the petitioner has argued on the lines of this petition. He further submitted that because of high handedness of the police officials of P.S.Vasant Kunj South the petitioners and their family members have suffered. He further argued that the police officials have used force against the ladies and minor children of the

family of the petitioners and they had apprehended the ladies and took them to P.S.Vasant Kunj and kept them in illegal custody.

5. On the other hand, it is submitted by learned Additional Standing Counsel that no relief as prayed by the petitioner can be granted. He further submitted that the petitioners have got equal efficacious remedy and if he is aggrieved by any act of the respondent, he can approach the Magistrate for redressal.

6. He further submitted that as far as question of compensation is concerned, the petitioners have remedy for filing suit for damages and no such directions should be passed in the present petition.

7. State has filed the status report. I have perused the status report. The following para is relevant in the status report which reads as follow:

“That on 01/02/2020 a PCR call vide DD No. 31A regarding quarrel was received at PS Vasant Kunj South which was entrusted to HC Ashok No. 197/SW who along with his accompanying Constable went to the place of information i.e. at Kh. No. 1192, 1193, 1236, 1237/1, Rangpuri, Near Shamshan Ghat, New Delhi, where he found that few persons were quarrelling with each other over a dispute of land. Further he informed vide DD No. 32B and requested for more police staff including lady staff for his assistance. In pursuance of above information more police staff including lady officers rushed to the spot and it was found that some persons were demolishing the construction and some were trying to construct the new one. It was also noticed that it was the same land wherein an action u/s 145 Cr. P.C and 107/150 Cr.PC had already been taken, wherein all the parties were directed to maintain status quo till the disposal of the matter before the concerned court but on inspecting the site it was found that there was some construction material lying and some persons including Yashpal (Petitioner No.1), and some ladies were arguing on very high pitch and they continued to do so despite of the intervention of the police. Keeping the situation in mind the ladies were taken by the lady officer for further enquiry and the other

persons were detained u/s 65 DP Act for further enquiry. Some of the construction material which was lying on the site was also seized u/s 66 1B DP Act as per seizure memo as none of the parties took or removed the same inspite of giving proper direction as the construction material was obstructing the complainant Bala W/o Aman Singh R/o Westend Green, 2nd Shivaji Marg, Rangpuri, New Delhi, who also handed over a written complaint in this regard. Further the parties gave their written submission that till the disposal of the matter of this particular land they will maintain the status quo. On the assurance of all the parties all of them were disengaged from the enquiry. All the seized material deposited with PS Malkhana as per seizure memo and a letter in this regard was sent to the SDM, Vasant Vihar for further necessary action at his end as the matter is already subjudice before the court.”

8. Looking into the facts and circumstances of the case and also the fact that civil suit with regard to the land in question is pending adjudication and the fact that police had gone to the spot on receipt of a complaint and acted accordingly, no directions are required to be passed by this Court in exercise of its powers under Section 482 Cr.P.C.

9. The powers under Section 482 Cr.P.C can only be exercised by the High Court in case there has been failure of justice or misuse of judicial mechanism or procedure and sentence or order was not correct which is not so in the present case.

10. Petitioners have equal efficacious remedy for getting their grievances redressed. Therefore, the petition has no merit. Dismissed.

RAJNISH BHATNAGAR, J

FEBRUARY 10, 2020/ib