

\$~7

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

+ **W.P.(CRL) 1115/2020**

SUSHMA MAHTO & ANR.

..... Petitioners

Through Mr A.K. Singla, Senior Advocate with
Mr Shailen Bhatia, Mr Ashok Kumar Shukla and
Mr Arnav Chatterjee, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ORS. Respondents

Through Ms Richa Kapoor, ASC for
Respondent Nos. 1 to 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

24.07.2020

[Hearing held through videoconferencing]

CRL. M.A. 9815/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 1115/2020

3. The petitioners have filed the present petition, *inter alia*, praying as under:-

"(a) the Police to follow the directions of the
Hon'ble NCW and investigate the matter and
take appropriate action in accordance with law;
and /or

(b) transfer the case from Mayur Vihar, Phase-1

Police Station to another Police Station , or some other law agency, as the Petitioners apprehend bias ;

- (c) to direct the Police to keep a watch and maintain weekly interactions with the Petitioners and enquire about their safety and well-being as such visit will act as a deterrent to the accused persons to commit any further mischief;
- (d) to direct the police to ensure unhindered repairs and safe shifting of the Petitioners to the property, being Flat No. 385 F Mayur Vihar Phase- 1 , Pocket-2, New Delhi-110091, of the Petitioner No. 1 without any kind of interference of the accused persons;
- (e) to direct the Hon'ble NCW to seek compliance of the Order dated 13.05.2020 issued by the Hon'ble Tribunal;"

4. Mr Singla, learned senior counsel appearing for the petitioners submits that the petitioners had made complainants against one Mrs Swati Anand (daughter of petitioner no.1 and sister of petitioner No.2) regarding her assaulting petitioner no.2. Petitioner no.1 had also made a complaint regarding her signatures being surreptitiously obtained on a blank paper and other printed papers by Mrs Swati Anand. It was stated that complaints were also filed with the National Commission for Women (NCW) and NCW has called for a report from the concerned police officials.

5. Mr Singla submits that despite NCW calling for a report, no such report has been furnished by the concerned police officials. He further states that a civil suit has also been filed in relation to the property bearing Flat No. 385-F, Mayur Vihar Phase-1, Pocket-2, New Delhi-110091. He states

that the said property belongs to petitioner no.1 and has been vandalized by Mrs Swati Anand.

6. Ms Kapoor, learned ASC states that the subject dispute is essentially a civil dispute between the two sisters (petitioner no.2 and her sister Mrs Swati Anand) and the police, after inquiries, have found that no cognizable offence has been committed and therefore, an FIR has not been registered.

7. I have heard learned counsel for the parties.

8. Insofar as the petitioner's first prayer – that is, issue directions to the police to follow the directions of NCW – is concerned, Ms Kapoor states that if there is any direction to submit a report passed by NCW, the police officials shall comply with the same. In view of the above statement, no orders in this regard are required to be passed by this Court.

9. Insofar as petitioners' prayer that the case be transferred from Police Station Mayur Vihar Phase-1 to another police station is concerned, this Court finds no grounds for acceding to this prayer. If the petitioners are aggrieved by non-registration of an FIR, they are at liberty to avail of alternate remedies.

10. Insofar as the petitioners' prayer that direction be issued to the police to keep a watch on the petitioners is concerned. Ms Kapur states that since the petitioner no.1 is an elderly lady, the police would, in normal course, take extra care. She states that on one occasion petitioner no.1 had gone missing and she was found at Patna. In view of the above, if the petitioners disclose their current residential address, the concerned police officials shall keep a watch on their residence to ensure that they are not physically harmed.

11. Insofar as petitioners' prayer regarding unhindered access to the

property bearing no. Flat No. 385-F, Mayur Vihar Phase-1, Pocket-2, New Delhi-110091 is concerned, Mr Singla states that the petitioners shall approach the concerned civil court for seeking appropriate relief. In view of the above, no orders are required to be passed in this petition

12. With regard to the petitioners' prayer that orders be given to NCW to seek compliance of the order dated 13.05.2020 is concerned, it does appear that the dispute is essentially between family members and relates to the property in question. It does appear that the petitioner is approaching multiple agencies for, essentially, the same relief. In the given facts, this Court does not consider it apposite to pass any such orders.

13. No further orders are required to be passed in this petition. The same is disposed of.

VIBHU BAKHRU, J

JULY 24, 2020

pkv