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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1205/2020**

RUBINA BANO Petitioner
Through Mr Mehmood Pracha, Advocate

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents
Through Mr Amit Prasad, Advocate.
Insp. Ved Prakash, SHO PS Dayalpur.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **07.08.2020**

[Hearing held through videoconferencing]

CRL. M.A. 10627/2020, CRL. M.A. 10628/2020 & CRL. M.A. 10629/2020

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

W.P.(CRL) 1205/2020

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

"(a) issue a writ in the nature of mandamus or any other writ, order or direction as may be deemed appropriate by this Hon'ble Court, directing the Respondent no.4 to register F.I.Rs. on the complaints filed by the Petitioner and;

(b) direct the Respondents to provide police protection to the Petitioner and her family forthwith."

4. The petitioner claims that she is a victim of riots that broke out in some parts of North-East Delhi on 23rd and 24th February, 2020. She states that she was four months pregnant at the material time and was taken to the

All India Institute of Medical Sciences (AIIMS) for her treatment. Thereafter, she was transferred to GTB Hospital. She alleges that the staff present at GTB Hospital refused to record her MLC. She claims that she was a witness to the instigation of the riots and can identify the persons who were indulging in rioting. She alleges that she made several complaints with the police officers but the police have resisted her efforts by not registering the FIR. She states that on 19.03.2020, she finally sent a written complaint which was received by the police. She contends that instead of acting on the said complaint, the police officials are threatening the petitioner with legal action.

5. The petitioner further claims that on 24.07.2020 and then again on 25.07.2020, some strange persons came to her residence and threatened her and husband to withdraw the complaint lodged by her. The petitioner states that on 30.07.2020, she had sent a complaint to DCP, North-East Delhi seeking action in regard to her earlier complaint and for protection to her and her family but the same has not been provided to her.

6. It is in this context that the petitioner prays that the directions be issued for registration of FIR in respect of complaints filed by her.

7. Concededly, the petitioner has alternate remedies of approaching the concerned court under Section 156(3) Cr.PC. In terms of the decision of the Supreme Court *Sakiri Vasu v. State Of Uttar Pradesh And Others: (2008) 2 SCC 409* followed in *Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and Others: (2016) 6 SCC 277* and more recently in *M. Subramaniam and Another vs S. Janki and Anr. Criminal Appeal No. 102/2011 decided on 20.03.2020*, it is necessary that the petitioner must

exhaust alternate remedies before approaching to this Court.

8. Insofar as the petitioner's prayer for providing protection is concerned, Mr Amit Prasad, learned counsel appearing for State has joined the proceedings. He states that application seeking non-bailable warrants has been filed but no coercive action has been taken on account of her pregnancy.

9. He further submits that the petitioner will be provided the telephone number of the SHO, PS Dayalpur (who has also joined the present proceedings) and she can contact him by messaging him in case of any eventuality. He also assures this Court that the allegation of about the persons who had visited the residence of the petitioner would also be inquired into. He further submits that the petitioner would also be provided sufficient protection to enable her to avail medical services considering the advanced stage of her pregnancy.

10. The respondents are bound down to the statements made by Mr Prasad before this Court.

11. In view of the above statement, Mr Pracha, learned counsel seeks to withdraw the present petition while reserving all rights and contentions of the petitioner and with liberty to avail of alternate remedies.

12. The petition is dismissed as withdrawn with the aforesaid liberty. All rights and contentions of the parties are reserved.

VIBHU BAKHRU, J

AUGUST 07, 2020/pkv