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

+ **W.P.(CRL) 316/2024**

MRS MAYA DEVI & ANR.

..... Petitioners

Through: Mr. Lakshay Yadav, Ms. Kirti Chauhan, Mr. Deepanshu Goswami and Mr. Rohit Sahrawat, Advocates

versus

STATE OF NCT OF DELHI THROUGH STATION HOUSE OFFICER POLICE STATION PS MOTI NAGAR & ORS.

..... Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State with Mr. Alok Sharma and Mr. Vasu Agarwal, Advocates along with SI Ravi Narwal, P.S. Moti Nagar.

Ms. Chhaya Sharma, Advocate for R-3 to 5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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30.01.2024

CRL.M.A. 2860/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been filed by the Petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking the following relief:-

“A. Pass the order in the favour of the Petitioners and against the Respondent No. 1 and Respondent No. 3-5 to remove the lock from the premise bearing shop no. G-1, Ground Floor, Plot No. 30, Commercial Complex, Swastika Tower, Basai Darapur, New Delhi 110015.”



4. It is stated in the petition that Petitioner No. 1 entered into a License Deed with Respondent No. 2 on 15.03.2013 with respect to Shop No. G-1, Ground Floor, Plot No. 30, Commercial Complex, Swastika Tower, Basai Darapur, New Delhi-110015 (hereinafter referred to as ‘the shop’) and is in authorized and lawful possession thereof. A lost report was filed by the Petitioners on 19.02.2022 for loss of the License Deed and other documents and later, on 10.04.2023, complaint was filed against Respondents No. 3 to 5 for creating nuisance outside the shop. On 06.01.2024, Petitioners made a complaint at 112 to the police officials of PS: Moti Nagar complaining against Respondents No. 3 to 5, who were threatening and forcing the Petitioners to lock the shop and hand over the keys. The police officials, however, connived with Respondents No. 3 to 5 and in turn locked the shop and later handed over the keys to the said Respondents, compelling the Petitioners to approach this Court.

5. From a reading of the petition, it is clear that the disputes between the Petitioners and Respondents No. 3 to 5 pertain to the shop in question, on which Petitioners claim rights as licensees and are aggrieved by their ouster as the premises have been locked and keys are in possession of Respondents No. 3 to 5. There are allegations against the police officials that they have acted in connivance with the private Respondents and facilitated the locking of the shop and allegedly handing over possession to them. There is however no material on record to support the claim of the Petitioners of being licensees or the allegations made against the Respondents. There is little doubt that the disputes are purely of a civil nature relating to the alleged license of the shop and its possession/eviction and cannot be gone into in the present petition. This is also the understanding of the Petitioners, which is



evident from the complaint dated 10.04.2023 filed by Petitioner No. 1, relevant paragraph of which reads as under:-

“..... After the fight, my brother-in-law is pressurizing the policemen in Moti Nagar police station because they want to file a baseless FIR against my husband. In Moti Nagar police station, the police officials made him understood that it is a civil matter and they cannot do anything in it. I am attaching the photocopy of the documents of my shop with my wife and the rent of the shop is being paid, I am attaching the photocopy of it till today. I still have the ownership rights.....”

6. The Court is also informed during the course of hearing that the parties are related to each other and have been entangled in the dispute relating to the rights, title and possession of the shop. This Court cannot be called upon in the present petition to adjudicate these disputes arising from the alleged License Deed, being a civil dispute, whatever be the remedies of the parties in civil law. There is no merit in the petition and the same is dismissed, being wholly misconceived.

JYOTI SINGH, J

JANUARY 30, 2024/kks/shivam