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

+ **W.P.(CRL) 386/2024 & CRL.M.A. 3484/2024**

SAMEER KHAN

..... Petitioner

Through: Mr. Ankit Kumar and Mohd. Ataher
Khan, Advocates

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI Pankaj Kumar and HC
Anil Kumar, P.S. Bhajanpura

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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05.02.2024

CRL.M.A. 3485/2024 (exemption)

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

W.P.(CRL) 386/2024

3. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking issuance of writ in the nature of mandamus or any other appropriate writ, order, direction for providing police protection to the petitioner and for initiating appropriate legal action against the culprits.
4. Issue notice. Mr. Anand V. Khatri, learned ASC accepts notice on



behalf of the State.

5. Brief facts of the case as borne out from the petition, are that the marriage of the petitioner was solemnized with one Fiza Khan on 17.07.2016. It is stated that due to temperamental differences, both the parties could not survive their matrimonial life. It is stated that on 07.11.2023, petitioner and his father went to the house of petitioner's in-laws to resolve their disputes. When they reached near the house of Fiza, younger brother of Fiza alongwith his two friends attacked the petitioner and his father, due to which they sustained injuries. Thereafter, MLC was prepared and FIR bearing no. 568/2023 for offence punishable under Sections 323/341/506/34 of Indian Penal Code, 1860 was registered at Police Station Bhajanpura. It is stated that on 19.01.2024, petitioner had sent divorce notice to his wife Fiza Khan. On 20.01.2024, petitioner had filed a written complaint to the Commissioner of Police alleging that he and his family members are in apprehension of death.

6. Learned counsel appearing on behalf of the petitioner states that the petitioner and his family members are in constant threat to their life and therefore, prays that protection be granted to the petitioner against the respondents.

7. Leaned ASC for the State, on the other hand, submits that petitioner can be provided with the numbers of beat constable and SHO concerned, if he apprehends any threat to life from the respondents.

8. Heard the submissions made on behalf of petitioners as well as the State.

9. In the facts and circumstances of the case, the DCP concerned will take note of the contents of the petition and consider the present petition as a



representation. The DCP concerned will pass an order in accordance with law, regarding any action, required to be taken by the concerned Police Station, against the respondents, under intimation to the petitioner herein.

10. However, considering the overall facts and circumstances of the case, and the fact that petitioner has prayed for protection of his life as he is apprehending threat from respondents, the petitioner is directed to provide his mobile number to the Beat Constable and SHO concerned. Similarly, the mobile numbers of concerned SHO and beat constable be also shared with the petitioner.

11. The officials of P.S. Bhajanpura, including SHO are directed to provide adequate protection to the petitioner from the above-mentioned persons, in case such circumstances arise, as per law.

12. Learned counsel for petitioner states that he is satisfied with the aforesaid arrangement.

13. Accordingly, the present writ petition stands disposed of in above terms. Pending application, if any, also stands disposed of.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 5, 2024/ns

Click here to check corrigendum, if any