



\$~79

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

+ **W.P.(CRL) 620/2024**

BAL KISHAN SHARMA & ORS.

..... Petitioners

Through: Mr. K.K.L. Gautam and Ms. Vaishali
Nariyala, Advocates.

versus

**STATE GOVT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ORS.**

..... Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.)
with Mr. Alok Sharma and Mr. Vasu Agarwal,
Advocates for State with SI Dinesh Tyagi, PS:
Mayur Vihar.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.02.2024

%

CRL.M.A. 5738/2024 (Exemption)

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

W.P.(CRL) 620/2024

3. This writ petition has been filed on behalf of the Petitioners seeking the following reliefs:-

“a. Issue a writ of mandamus or any other appropriate writ order or directions commanding respondents and their subordinates to give effective and adequate police protection to the Petitioner and his family members to exercise his rights, duties and privileges, and;

b. Issue a writ, order or direction in the nature of mandamus commanding the Respondent to afford police protection to petitioner enabling him to discharge his constitutional and legal obligation of his personal and social life and contest his case before the Ld. Courts, and;



c. Issue a writ of mandamus or any other appropriate writ order or direction commanding respondents to take steps to see that respondent No.4 do not harm the family of the petitioners, and;

d. Issue a writ of mandamus or any other appropriate writ order or direction commanding respondents to restrain respondent No.4 from in any way obstructing the petitioner and his family members from exercising constitutional duties and responsibility.

e. Issue a writ of mandamus or any other appropriate writ order or direct respondent No.4 to pay the cost of this petition to the petitioners.”

4. Reading of the petition shows that the dispute between the Petitioners and Respondent No. 4 herein has its genesis in a property comprising of a constructed double storey house with two rooms and kitchen on a plot measuring 100.34 sq. m. situated at Village Chilla, Mayur Vihar in 1996 from Respondent No. 4 herein. The disputes essentially revolve around the alleged non-execution of title documents of the property in question and it is alleged by the Petitioners that as and when the Petitioners request Respondent No. 4 to execute the title documents such as registered sale deed, he threatens the Petitioners of dire consequences and exerts pressure to vacate the property. Petitioners have lodged repeated complaints with the Police and FIRs have been registered and there are other litigations pending between the parties. Respondent No. 4 is, however, not deterred by law and Petitioners are under a constant threat to their life and liberty. It is therefore prayed that Police security be provided to the Petitioners.

5. Issue notice.

6. Learned ASC accepts notice and states that the disputes between the Petitioners and Respondent No. 4 are purely civil in nature, emanating out of a transaction relating to sale and purchase of the property mentioned in the petition and therefore, the reliefs claimed cannot be granted. Parties have



taken recourse to civil remedies and cases are pending in the concerned Courts. In case, Petitioners are being threatened inside the Court complex, while they are on their way to depose in the pending cases, they have the remedy to seek protection under the Witness Protection Scheme, 2018, before the concerned District Judge.

7. Having heard learned counsel for the Petitioners and learned ASC appearing on behalf of the State, this Court finds merit in the contentions raised by the learned ASC that disputes between Petitioners and Respondent No. 4 arise out of sale/purchase transaction related to the property, aforementioned and litigation is pending in the Civil Courts. Insofar as the alleged threats being meted out to the Petitioners inside the Court complex is concerned, it is certainly open to the Petitioners to approach the concerned District Judge for protection under the Witness Protection Scheme, 2018. *Albeit* learned ASC is correct in his submission that it is not for the Police to intervene in private property disputes, however, looking at the age of the Petitioners, who are senior citizens, it is directed that the Beat Officer of the area concerned will provide his mobile number to the Petitioners, on which they will be free to contact, in case any help or assistance is required. Needless to state that on a call being received by the Beat Officer from the Petitioners seeking help or protection, he shall take prompt action as per the need of the hour.

8. Petition stands disposed of with the aforesaid directions.

JYOTI SINGH, J

FEBRUARY 22, 2024/shivam