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

+ **W.P.(CRL) 735/2024, CRL.M.A. 6878/2024**

**MS. SURESH ALIAS SUSHMAAHUJA
AND ORS.**

..... Petitioners

Through: Ms. Ellis J. D. Ahuja, Mr. Jagat Singh
and Mr. Shashwat Bhardwaj,
Advocates with Petitioner No. 3
in-person.

versus

**JHEEL KURENJA EXT.CGHSOCIETY J KAPARTS
AND ORS.**

..... Respondents

Through: Mr. Yasir Rauf Ansari, ASC for Delhi
Police / R-4 with Mr. Alok Sharma
and Mr. Vasu Agarwal, Advocates and
SI Harish Kumar, PS: Paschim Vihar
East.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

04.03.2024

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CRL.M.A. 6879/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 735/2024, CRL.M.A. 6878/2024

1. 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 preferred on behalf of the petitioners with the following prayers:

“A) Issue a Writ in the nature of mandamus directing the respondents no 4 to restrain respondents no 1-3 from restraining //blocking petitioner's entry to their lawful property i.e. (Flat A-3/36 JK Apartments (Jheel Kurenja Ext. Cooperative Group Housing Society Paschim Vihar New Delhi 110063; and



B) Direct the respondents no 4 to take legal action against respondent no 1- 3 above named and direction be issued to the authorities concerned to ensure petitioners are not restrain from entering their property mentioned above.”

2. Issue notice. Learned ASC for Delhi Police / respondent No. 4 appears on advance notice and accepts notice.
3. Learned ASC for respondent No. 4, on instructions of IO, submits that civil dispute with respect to the same property is pending consideration before the trial court, wherein in terms of order dated 14.03.2023 passed by learned ACJ/CCJ/ARC(W), it was noticed that there are two claimants in respect of the disputed property (i.e. plaintiff and defendant No. 2) in the suit preferred on behalf of the petitioners. It was also observed therein that ownership of the property is a matter of trial and no document was filed on behalf of the petitioners to show that she is in possession of the property. As such, the interim relief, claimed by way of injunction, was denied.
4. The issues raised on behalf of petitioner, as such are disputed questions of fact which are already under consideration in civil proceedings and cannot be decided in the present writ petition.
5. At this stage, after partly making submissions, learned counsel for the petitioners seeks to withdraw the writ petition. Petition is accordingly dismissed as withdrawn without expressing any opinion on the merits of the contentions raised on behalf of the petitioners and with liberty to pursue the proceedings before appropriate forum in accordance with law. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MARCH 04, 2024/R