$~69

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

% Date of Decision: 29.04.2024

\+ W.P.(CRL) 1307/2024

RAJAN SINGH (…….) ..... Petitioner

Through: Mr. Subhash Chand Budhiraja, Advocate with Petitioner-in-person.

versus

THE STATE GOVT OF NCT DELHI & OTHERS ..... Respondents

Through: Mr. Anand V. Khatri, ASC with Ms. Nandini Diesh, Advocate and Insp. Sonu, PS: Pul Prahladpur and SI Premraj, PS: Badarpur.
Mr. Ankit Agarwal, Standing Counsel with Mr. Ashish Shukla, Advocate for Respondent No. 2/ECI.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 12792/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 1307/2024

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 petitioner with following prayers:

> *"a) issue directions to Respondent No.3 and grant police protection for the life of the Petitioner; and*

Signature Not Verified
Digitally Signed
By:DINESH CHANDRA
Signing Date:29.04.2024
20:18:40

b) pass an order and Issue direction to Respondent No.2 for protection of the fundamental rights of the Petitioner as the Petitioner is going to contest election in upcoming Lok Sabha Election; 2024 as a candidate from South Delhi Parliamentary Constituency."

2. Issue notice. Learned ASC for the State/respondent Nos.1, 3 & 4 and learned Standing Counsel for ECI/respondent No.2 appear on advance notice and accept notice.

3. Learned counsel for the petitioner submits that petitioner is a member of transgender community and intends to file his nomination for Lok Sabha Election, 2024 from South Delhi Parliamentary Constituency, supported by Rashtriya Bahujan Congress Party. He further states that petitioner suffered a life threatening attack on 12.04.2024 in his office at Badarpur, whereupon a complaint was lodged with the Commissioner of Police, Delhi. Further, a request was made by the petitioner to Election Commission of India on 14.04.2024 for providing security to contest the upcoming Lok Sabha Election, 2024 but no response has been received.

4. Learned Standing Counsel for respondent No.2/ECI submits that since nomination process has only been commenced *w.e.f.* 29.04.2024, petitioner is at liberty to apply in accordance with law. He further submits that respondent Nos.1, 3 and 4 may be able to provide necessary security in accordance with law, in case the petitioner apprehends any threat.

5. Learned ASC for State/respondent Nos.1, 3 and 4 submits that complaint lodged by the petitioner on 14.04.2024, shall be further looked into in accordance with law and outcome of the same shall be communicated to the petitioner within a period of two weeks. It is also informed that the incident as alleged by the petitioner could not be corroborated during initial inquiry. He further states that in case the petitioner needs any security for

Signature Not Verified
Digitally Signed
By:DINESH CHANDRA
Signing Date:29.04.2024
20:18:40

the purpose of filling up the nomination form, the same can be provided subject to sharing of date and time by the petitioner.

6. It may be observed that Article 14 of the Constitution of India ensures equal protection of laws in all spheres of State activity including participation in the election process. Any discrimination on the ground of sexual orientation or gender identity impairs the equality before law and violates the Article 14 of the Constitution of India. The duty lies on the State for purpose of safeguarding and enforcing the rights of the transgenders guaranteed under the Constitution.

Taking the statement of learned ASC for the State on record, petition is disposed of with directions to DCP (South) to provide necessary security to the petitioner for filling up the nomination form from South Delhi Parliamentary Constituency. SHO concerned shall also share his mobile number with the petitioner for aforesaid purpose.

Learned ASC for the State is further directed to ensure that outcome of the complaint filed by the petitioner is communicated to him within two weeks.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this judgment be forwarded to DCP, South Delhi for information and compliance.

(ANOOP KUMAR MENDIRATTA)
JUDGE

APRIL 29, 2024/*R*

Signature Not Verified
Digitally Signed
By:DINESH CHANDRA
Signing Date:29.04.2024
20:18:40