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

+ **W.P.(CRL) 1449/2024**

**MOHD KAMRAN, CHAIRMAN CIVILIAN WELFARE
CHARITABLE TRUST REGD Petitioner**

Through: Mr. Jitendra Jha, Ms. Seema Sharma,
Mr. Utkarsh Kumar, Mr. Garv
Shingari & Mr. Sandeep Banerjee,
Advocates.

versus

COMMISSIONER OF POLICE & ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with Mr. Abhinav
Kumar Arya, Advocate.
SI Anupam, P.S. Jama Masjid & SI
Nishant, P.S. Daryaganj.
Mrs. Farhat Jahan Rehmani & Mr.
Faizan Khan, Advocates for R-11.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **08.05.2024**

CRL.M.A. 14091/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. The present petition under Article 226/227 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

“a. Issue a writ in the nature of Mandamus and/or any other appropriate writ, order or direction, directing the Respondent Nos. 1 to 7 or any other appropriate body of the State.

i. to investigate/analyze and decide the threat perception to Petitioner and his family.

ii. to provide adequate security to the petitioner.

b. Issue a writ of mandamus/prohibition and/or any other appropriate



writ, order or direction directing the Respondent No.1 to 7 to give regular police protection to the Petitioner.

c. Pass any such order (s) as this Hon'ble Court deems fit and proper in the peculiar facts and circumstances of this case and in the interests of justice.”

4. Learned counsel appearing on behalf of the petitioner submits that the latter has been receiving constant threats on account of a petition i.e W.P.(C) 5607/2022 being filed before the Learned Division Bench of this Court. It is further submitted that he has made a representation regarding the same before the Commissioner of Police.

5. Learned Standing Counsel for the State submits that on the previous occasion as well, petition being, W.P.(CRL) 2751/2022, seeking similar relief was initiated on behalf of the present petitioner. The learned Single Judge of this Court *vide* order dated 26.04.2023 had directed to provide the petitioner with the numbers of the beat constable and the concerned SHO. It is further submitted that the competent authority to determine whether the petitioner needs security or not is DCP (Central). It is further submitted that, in case, the representation is made before the competent authority, the same shall be decided in accordance with law and will be intimated to the petitioner.

6. Heard learned counsel for the parties and perused the record.

7. *Vide* order dated 26.04.2023 in W.P.(CRL) 2751/2022, the Learned Single Judge of this Court has passed the following order:

“1. Pursuant to the previous order of this Court dated 01st February, 2023, status report has been filed. As per the status report, there are two groups of persons. One group of the petitioners who have complained against the illegal construction activity by the other group and have filed eight complaints while five complaints have been filed against the petitioner and his



group. A tabular chart of the said complaints and the action taken on the said complaints have been provided. As regards the allegation of the illegal construction activity, the matter has been forwarded to the civic agencies, MCD for looking into the issue and taking further legal action in the matter with the submission that necessary police protection will be provided, as and when required. As regards the cross-complaints filed by the group of Irshad Hussain against the petitioner preventive action had been taken. Considering there were cross-complaints in order to prevent breach of peace, preventive action under Section 107/150 Cr.P.C. was initiated and the Kalandaras are pending consideration before Ld. Court of the Special Executive Magistrate and date is fixed for 05th May, 2023.

2. It has already been directed that in case of any specific threat the petitioners can contact the Beat Constable or the SHO, the numbers having been already provided to the petitioners.

3. No further directions are necessitated in the said petition.

4. The petition is disposed of.

5. Order be uploaded on the website of this Court.”

8. It is a matter of record that the petitioner has already filed an application under Section 156(3) of the Cr.P.C., which is pending adjudication before the concerned learned Metropolitan Magistrate.

9. In view of the above, the present petition is disposed of with the directions that in case the representation is filed by the present petitioner before the competent authority, the same shall be decided in accordance with law and will be intimated to the petitioner.

10. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 8, 2024/bsr

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