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

+ **W.P.(CRL) 2020/2023**

CHANDER KANTA

..... Petitioner

Through: Mr. Shafiq Khan, Mr. Arun Vidyarth
& Mr. Kuldeep Gautam, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC for the State.
SI Shajid Hussain, P.S.: Malviya
Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **15.04.2024**

1. The present writ 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 by the petitioner, praying as follows:

"In view of the above-mentioned facts, it is therefore most respectfully prayed that this Hon'ble Court may be pleased to: -

A. Issue a writ of mandamus against the respondent no.4 and direct the respondent no.4 to register FIR in pursuance of a police complaint submitted by the petitioner on 14.06.2023 vide Annexure-A.

B. Issue a writ of mandamus against the respondent no.2 and 3 and direct the respondent no.2 and 3 take suitable action against the Respondent no.4 and other police officer/s who are responsible for violation of guidelines as prescribed in the Lalita Kumari Vs Govt of U.P. & Others (2014 2 SCC 1).

C. Issue a writ of mandamus against Respondent no.4 and direct the Respondent no.4 to produce all



records in pertaining to complaint submitted by the petitioner on 14.06.2023, liable to be maintained as per guidelines as prescribed in the Lalita Kumari V/s Govt. of U.P. & Others (2014 2 sec 1).

D. Issue a writ of mandamus against the Respondent no.4 and direct the Respondent no.4 to explain reasons for not filing of FIR on information given by the petitioner on 10.06.2023, through police helpline number 112 and complaint submitted by the petitioner on 14.06.2023 disclosing cognizable offence.

E. Issue a writ of Quo Warranto against the respondent no.2,3 and 4 and direct the respondent no.2,3 and 4 to explain as to by what authority of law the respondent no.2,3 and 4 prevented themselves not to take action on complaint submitted by the petitioner on :1.4.06.2023 disclosing cognizable offence as per guidelines as prescribed in the Lalita Kumari V/s Govt. of U.P. & Others {2014 2 sec 1}.

F. Issue a writ of mandamus and direct the Respondent no.2,3 and 4 and in favour of the petitioner to provide protection to petitioner and her family as her husband Is also senior citizen and son is physically disabled (70%o) and having four years old grand son and daughter-in law.

G. Issue a writ of mandamus, direction or declaration or pass such other orders or pass such order/s as this Hon'ble Court may deems fit under the facts and circumstances of the present case, to meet ends of justice.”

2. This Court has heard learned counsel appearing on behalf of the petitioner and has perused the material available on record.

3. This Court considers that the remedy for the prayer asked for, is to approach the learned Trial Court and file an appropriate application under Section 156 (3) of the Cr.P.C., if aggrieved by non-action or closure of the report by the Police. Thus, the present writ petition is not maintainable in its



present form.

4. In view of the above, learned counsel for the petitioner seeks leave to withdraw the present writ petition.
5. Leave granted.
6. However, the learned Magistrate is requested to dispose of the present writ petition *expeditiously*, in case the same is filed before the learned Magistrate.
7. With the above direction, the writ petition is accordingly disposed of.
8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 15, 2024/ at

Click here to check corrigendum, if any