



\$~42

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

+ **W.P.(CRL) 2089/2022**

DILIP KUMAR SADH

..... Petitioner

Through: Mr. Zafar Khurshid, Mr. Mohit
Kochar and Mr. Krishna Pandey, Advocates

versus

STATE GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for State
with Mr. Kshitiz Garg and Mr. Ashvini Kumar,
Advocates along with SI Rajveer, PS: Neb Sarai.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

02.04.2024

%

1. This writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking directions to Respondent No.2 to consider and decide the representation made by the Petitioner on 30.05.2022 after providing personal hearing, within a stipulated time period. The prayer clause in the writ petition is extracted hereunder for ready reference:-

“i. call a status report in case of the petitioner from the concerned Respondent/s;

ii. issue a writ, order or direction in the nature of MANDAMUS commanding the Respondent No.02 to consider and dispose of the Representation dated 30.05.2022 providing/affording equal opportunity of personal hearing to the Petitioner within a stipulated time limit and may further be directed to pass suitable directions to the Respondent No.3 & 4 to take appropriate action assuring the Petitioner's security in accordance with law;

iii. and/or may pass such any other order or direction which this Hon'ble



court may deem fit and proper in view of the facts and circumstances of the case.”

2. Learned counsel for the Petitioner has drawn the attention of the Court to the representation made by the Petitioner to the Commissioner of Police, Delhi and the operative part of the representation reads as under:-

“In view of above given details, facts and circumstances, it is my earnest request before you to instruct the appropriate authority to provide an efficient security cover to the applicant at the time of visiting the aforesaid vacant land, so that there may not remain any life risk to the applicant in any case.”

3. From a reading of the representation, it is evident that Petitioner seeks directions for a security cover at the time of visiting the vacant plot bearing Khasra No. 648, Plot No. W-12 B/9A, Sainik Farms, Western Avenue, New Delhi.

4. Status Report has been filed in which it is stated that this is a private civil dispute where both parties have made their rival claims over the plot in question. It is further stated that Nikhil Arora with whom the Petitioner has the alleged dispute, had filed a complaint under Section 156(3) Cr.P.C. making allegations against the Petitioner herein and pursuant to the directions issued by the learned Metropolitan Magistrate, FIR No.277/2022 dated 12.04.2022 under Sections 448/506 IPC has been registered at PS: Neb Sarai. It is also stated that a *kalandra* has already been issued under Section 145 Cr.P.C. against both the parties and a copy of the same has been annexed along with the Status Report.

5. Learned ASC, however, submits that in order to put a quietus to the entire controversy, the Investigating Officer shall provide the number of the Beat Constable of the area concerned to the Petitioner, on which he shall be free to contact, in case any assistance is required, which position is



acceptable to the counsel for the Petitioner.

6. Accordingly, this petition is disposed of with the consent of parties with a direction to the concerned IO to provide the mobile number of the Beat Constable of the area concerned to the Petitioner to enable him to contact in case of any requirement. Needless to state that any call being received from the Petitioner, the Beat Constable shall respond promptly and take necessary action.

7. Liberty is granted to the Petitioner to take recourse to remedies available in law with respect to the disputes pertaining to the plot in question.

JYOTI SINGH, J

APRIL 2, 2024/kks