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

+ **W.P.(CRL) 2719/2023**

RAM PYARI

..... Petitioner

Through: Mr. Virendra Singh, Advocate
(appeared through VC)

versus

STATE & ORS.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with ASI Pawan Kumar and SI
Mahesh, P.S. Alipur, Delhi

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **09.01.2024**

CRL.M.A. 25604/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant 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 on behalf of petitioner seeking following prayer:

“a) Issue a writ of mandamus or other appropriate writ/s thereby directing the respondent no. 1, 2 and 3 to perform its lawful authority and duties for protection of life and liberty of Senior citizen petitioner and her husband.

b) Issue other appropriate writ in favour of the petitioner against the respondents keeping in view of above said facts and grounds of writ.”



4. Brief facts of the case are that the petitioner alongwith her husband and son were waiting at the house of their daughter at House no. 67, First Floor, Near Corporation Bank, Alipur, Delhi-110036, when all of a sudden 16 persons entered the said premises and started searching everything related to movable property of the son of petitioner with the help of process server but they were unable to find anything. After 7-10 minutes, they again returned to the said premises and started beating the petitioner, her husband and son. Upon yelling for help, few neighbours reached the said premises and had called the police. Thereafter, son of the petitioner had been taken to hospital for emergency treatment and petitioner alongwith her husband had reached the police station and made a complaint vide DD No. 112 dated 15.12.2022.

5. It is stated that on 22.12.2022, petitioner made a complaint to the Chairperson/Members Senior Citizen Maintenance Tribunal, North District, Alipur, Delhi vide Dy. No. 19173 dated 22.12.2022 whereby, the petitioner was given time to approach superior officers of police. On 25.12.2022, petitioner had received a letter dated 23.12.2022 from office of District Magistrate for transferring the complaint to SDM concerned. However, SHO, Police Station Alipur had not taken any lawful action on the written complaint to DCP, Outer North District, Delhi. Despite making several efforts, no satisfactory answer or any investigation was carried out in the said case. Neither did the competent authorities provided protection to the petitioner and his family members. Therefore, it is prayed that protection be granted to the petitioners against the respondents.

6. Heard the submissions on behalf of petitioners as well as the State.

7. In view of the above discussion, it is directed that the petition herein



be treated as a representation, by the DCP concerned, who will pass an order within three months, in accordance with law, regarding any criminal action, required to be taken by the concerned Police Station, under intimation to the petitioner herein.

8. This Court notes that as far as rest of the prayers are concerned, the same cannot be the subject matter of writ jurisdiction, and the petitioner herein has to approach appropriate authorities in accordance with law.

9. Considering the overall facts and circumstances of the case, and the fact that petitioner has prayed for protection of her life as well as of her husband as she is apprehending threat from respondents. In these circumstances, the petitioner is directed to provide her mobile number to the concerned Investigating Officer and SHO. Similarly, the mobile numbers of concerned IO, SHO and beat constable be also shared with the petitioner.

10. The officials of P.S. Alipur, Delhi, including SHO are directed to provide adequate protection to the petitioner from the above-mentioned persons, in case such circumstances arise.

11. Learned counsel for petitioner states that she is satisfied with the aforesaid arrangement.

12. Accordingly, the present writ petition stands disposed of in above terms. Pending application also stands disposed of

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2024/ns

[Click here to check corrigendum, if any](#)