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

+ **W.P.(CRL) 2749/2023**

ASHOK KUMAR & ANR.Petitioners

Through: **Ms. Reenu Sharma, Advocate.**

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: **Mr. Rahul Tyagi, ASC with SI Prem
Prakash Singh, P.S.Okhla Industrial
Area.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

04.09.2024

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1. This Writ Petition under Section 226 and 227 of the Constitution of India read with Section 482 Cr.P.C has been filed for issuing directions to respondent Nos.1 to 4 to put the petitioners back in possession in premises No.C-67, Harkesh Nagar, New Delhi from where she has been illegally and forcefully dispossessed by respondent No.6 and his associates on 11.08.2023; to direct respondent No.3 to register FIR on her complaints.

2. The counsel for the Petitioner has explained that petitioner No.2 after her marriage with petitioner No.1 came to reside in the suit premises, it being her matrimonial home where her in-laws were residing.

3. Subsequently, the parents-in-laws shifted to Gurugram in 2002 while the petitioners continued to live in this house. On 11.08.2023



they were forcibly dispossessed by respondent No.6 and his associates. They made two calls to the PCR on 11.08.2023 itself and thereafter, lodged a complaint in the Police Station on the same day as well as on 14.08.2023 and 12.09.2023.

4. Thereafter, a Complaint Case under Section 200 read with Section 156(3) Cr.P.C was also filed, however, Section 156(3) was disposed of and the proceedings were continued under Section 200 Cr.P.C. They have filed a Revision before the learned Sessions Court against the dismissal of the Complaint under Section 156(3) Cr.P.C, which is still pending.

5. The grievance of the petitioners is that they have been illegally dispossessed by respondent No.6 and his associates and the police has taken no action on her complaints. They have thus, sought to be put back in possession of the suit property.

6. **A Status Report** has been handed over in the Court today which may be taken on Court. In the Status Report it is submitted that the enquiry has revealed that Ramwati and her husband who are the parents-in-laws of petitioner No.2 and father of petitioner No.1, had disowned their son, Ashok Kumar, petitioner No.1 in 2017. Thereafter, he and his family had left the house after taking all their belongings except one bed which was left in the house which they had thrown out on the asking of Petitioner No.1, Ashok Kumar. Sh. Nemchand, father of Petitioner No.1 is about 85 years old and is a cancer patient with whom the petitioners have been misbehaving and humiliating him. Now, Sh. Nemchand has died.

7. It is further submitted that Smt. Ramwati, mother of Petitioner



No.1 has stated that since she needed money for treatment of cancer of her husband, she had sold off the suit property to one Naresh Singh, Respondent No.6 for 31 lakhs. Petitioner No.2 has been seeking a share in the property and hence, has been making false allegations.

8. Naresh Singh, Respondent No.6 during the enquiry had stated that he has bought the property from Sh.Nemchand on 07.08.2023. Nemchand and his wife left the house with their belongings after handing over the possession of the same to him. Furthermore, during the enquiry, Dhanraj who has been named as an associate of Respondent No.6 was also questioned who corroborated the statement of Respondent No.6, Naresh Singh. It was concluded that the enquiry has revealed that it is essentially a Civil matter between the family members.

9. **Submissions heard.**

10. The petitioners have already availed their remedy of filing the complaint under Section 200/156(3) Cr.P.C on account of inaction of the Respondent Nos.1 to 5, to act upon her complaint.

11. In so far as the recovery of possession is concerned, it is essentially a Civil matter for which they are at liberty to seek civil remedy. No further directions are required in the present petition which is hereby disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 4, 2024

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