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

+ **W.P.(CRL) 2852/2023 & CRL.M.A. 26614/2023**

SMT. SHANTI DEVI

.....Petitioner

Through: Mr. Mukesh Kumar, Ms. Pallavi
Nandani & Mr. Manish Kaushik,
Advs.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondent

Through: Ms. Nandita Rao, ASC for the State.
SI Ajay Kumar, PS Shahbad Dairy.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.07.2024

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1. The Writ Petition under Article 226 of the Constitution of India read with Section 482 CrPC has been filed by the petitioner with the direction that the complaint filed by the complainant be considered and be fairly investigated by respondent no. 1 to 3 and to initiate criminal proceeding against the errant persons.
2. The petitioner in her petition has submitted that Late Sh. Kesar Singh had purchased lands including Khasra No. 56/18 in Village Prahaladpur Bangar (now known as Kishan Colony, Rohini Area) Delhi in 1993 from its erstwhile owners. Sh.Kesar Singh died in 2010 leaving behind a Will in favour of the petitioner and since, then, she is



in possession of properties left behind by Late Sh.Kesar Singh. In 2012-2013, some unsocial elements in connivance with police and MCD officials encroached upon lands belonging to the petitioner and police failed to take any action upper her complaints.

3. Thereafter, she had filed a Writ Petition (Criminal) No. 1465/2013 before this Court which was disposed of vide order dated 22.10.2013 with the direction to the police to investigate the complaint but the police did not take any action.
4. After about three years, other anti-social elements again tried to harass the petitioner and tried to take possession of the land forcefully. A complaint was made to DCP (Outer Cell) on 13.06.2016 but again police did not take any action. Similarly, in April, 2023 respondent no. 4 & 5 in connivance with other people and police started to visit the lands lying vacant in Khasra No. 56/18, Village Prahaladpur Bangar belonging to the petitioner and threatened her and family.
5. Thereafter, the petitioner made a complaint to the SHO, P.S. Shahbad Dairy on 15.04.2023, however, no action was taken. It is alleged that the respondent no. 4 & 5 continued to threaten the petitioner and her family and tried to encroach upon their land by filling the same with earth and bringing the building material.
6. The petitioner made a complaint to the DCP and other officials but no action was taken. The petitioner is afraid of her life and property and the respondent no. 1 to 3 failed to discharge their duties and to take action as per law.

7. Submissions heard.



8. The petitioner is claiming that the lands were purchased by her husband Late Sh.Kesar Singh, who left her behind a Will in her favour and since then, she is the absolute and exclusive owner of the properties left including Khasra No. 56/18 in Village Prahaladpur Bangar (now known as Kishan Colony, Rohini). The petitioner is also claiming that the said lands are intended to be encroached by respondent nos. 4 and 5 namely Ishwar Dass and Lalit Kumar. In case there are any threats of encroachment, the petitioner is at liberty to approach a Civil Court with appropriate remedy.
9. In so far as the grievance of the petitioner about the police in not taking any action on the complaints filed, there is complete mechanism provided under the Code of Criminal Procedure for getting the FIR registered and also there is a detailed procedure for filing complaint.
10. In so far as the prayer of the petitioner qua respondent Nos. 1 to 3 is concerned seeking to protect her life and liberty, the respondent no. 1 to 3 are directed to look into the apprehension of threats in the given facts and circumstances and take appropriate action in accordance with law.
11. Petition along with pending applications, if any, are accordingly disposed of.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/DA