



\$~76

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

+ **W.P.(CRL) 2406/2024**

NEETU RAI

.....Petitioner

Through: **Mr. Ajay Kumar Rai, Advocate.**

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: **Ms. Nandita Rao, ASC for the State
with ASI Harswarop and SI Deepak,
P.S.: Burari.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

08.08.2024

%

By way of the present petition filed under Article 226 of the Constitution of India, the petitioner seeks a direction to respondent No.1/State to ensure her and her children's safety at the hands of respondent No.2, her husband.

2. Mr. Ajay Kumar Rai, learned counsel appearing for the petitioner submits, that the petitioner was assaulted by her husband with the handle of a floor-wiper, but on her complaint, respondent No.1 has only registered a Non-cognizable Offence Information Report ('NCR') dated 19.05.2024 under sections 323/506 of the Indian Penal Code 1860 ('IPC'), and has taken no steps in the matter thereafter.
3. Issue notice.
4. Ms. Nandita Rao, learned ASC (Criminal) appears on behalf of the State on advance copy; accepts notice; and, on instructions of the Investigating Officer who is present in court, submits that upon receiving the petitioner's complaint, she was medically examined and



the MLC showed that the injury sustained by her even though on her head, is 'simple' in nature, without anything further.

5. Learned ASC submits that in the circumstances only an offence under section 323 IPC was made-out; which is a non-cognizable and bailable offence; and therefore the police have registered an NCR in the case.
6. Mr. Rai argues that the petitioner should not be put in a position, whereby she must await a 'grievous' injury for the State to respond with action.
7. Mr. Rai submits that the petitioner alongwith her children is also under threat of being thrown-out of her matrimonial home by respondent No.2.
8. In the circumstances, after hearing learned counsel for the parties, the present petition is disposed-of, directing respondent No.1 to forward the petitioner's complaint alongwith the NCR registered by them to the concerned Crime Against Women Cell; with a direction to the CAW Cell to take appropriate action in accordance with law. Insofar as the petitioner's apprehension of being evicted from her matrimonial home is concerned, the petitioner is at liberty to move an appropriate application before the concerned Mahila Court to seek redressal of that grievance.
9. Petition stands disposed-of in the above terms.
10. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 8, 2024

ds