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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3843/2023 & CRL.M.A. 35736/2023 (interim relief)**

TUSHTI CHOPRA

..... Petitioner

Through: Mr. Anwesh Madhukar (DHCLSC)
with Ms. Prachi Nirwan, Advocate.

versus

STATE OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) for the State with S.I.
Amar Singh, P.S.: Kishangarh.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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08.01.2024

CRL.M.A. 35735/2023 (exemption)

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

W.P.(CRL) 3843/2023

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.') seeks following prayer:

“1. Issue under Article 226 of the Constitution of India and Section 482 CrPC Writ of mandamus/prohibition / appropriate Writ/orders/directions of like nature recognising fundamental and human rights of petitioner including right to time and directing respondent taking all measures for enforcement of law and order for protection of fundamental and human rights of petitioner and order immediate arrest and detention of any person trying to interfere/restrain/stop/ with fundamental rights and human rights of the Petitioner.

2. Issue a further Writ of mandamus/prohibition or appropriate writ /orders/directions of like nature directing the respondents immediately ensuring restoration of basic



necessities and take steps to prevent denial of the same in r. future.

3. Issue a further Writ of mandamus/prohibition or appropriate writ /orders/directions of like nature directing the respondents to ensure further offenses/wrongs are not committed on me, provide me with police protection, grant me permission to have a revolver, and ensure stern action on their crime.

4. Issue directions to Respondent redirecting to follow mandate of law and register FIR and further action by independent agency.”

4. Brief facts of the case as borne out from the petition, are that the petitioner is a single girl, suffering from disability and other medical issues, who was denied the right to live with dignity by denial of basic necessities and was subjected to crime. It is stated that her father, who was doing some social work, was murdered. It is stated that the petitioner’s father was murdered for protecting his daughter from sexual exploitation. It is stated that the petitioner’s father stood against child trafficking, prostitution, land grabbing etc. It is also stated that he had initiated several development activities from his own resources.

5. Learned counsel appearing on behalf of the petitioner states that the petitioner is being tortured, harassed, humiliated and subjected to cruelty and inhumanity. It is also stated that she is denied right to shelter and is denied electricity for more than a year. Therefore, it is prayed that protection be granted to the petitioner against the respondents.

6. Leaned senior counsel for the State, on the other hand, submits that petitioner can be provided with the numbers of beat constable and SHO concerned, if she apprehends any threat to life from the respondents.

7. Heard the submissions made on behalf of petitioners as well as the State.



8. In the facts and circumstances of the case, it is directed that the present petition be treated as a representation, by the DCP concerned, who will pass an order in accordance with law, regarding any action, required to be taken by the concerned Police Station, against the respondents, under intimation to the petitioner herein.

9. However, considering the overall facts and circumstances of the case, and the fact that petitioner has prayed for protection of her life as she is apprehending threat from respondents, the petitioner is directed to provide her mobile number to the Beat Constable and SHO concerned. Similarly, the mobile numbers of concerned SHO and beat constable be also shared with the petitioner.

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

11. 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 or file a civil litigation, to address those grievances.

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

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

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 8, 2024/at

Click here to check corrigendum, if any