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

+ W.P.(CRL) 3706/2024, CRL.M.A. 35531/2024,
CRL.M.A. 35532/2024 and CRL.M.A. 35533/2024

GHANSHYAM GEHANI

.....Petitioner

Through: Mr.N. Hariharan, Sr. Advocate with
Mr.Hrishikesh B., Mr.Anurag Mishra, Ms.Punya,
Mr.Aman, Ms.Sana, Ms.Vasundhara and
Mr.Vinayak, Advocates

versus

COMMISSIONER OF POLICE & ORS.

.....Respondents

Through: Mr.Sanjay Lao, Standing Counsel with
Mr.Priyam Aggarwal, Advocate with
SI Awadhesh Nayyar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.11.2024

1. By way of present petition, the petitioner, who claims to be the owner and resident of the first floor to third floor (along with terrace) of the property bearing No. *R-689, New Rajinder Nagar, Delhi-110060*, is aggrieved by respondent No.5, who is the occupant of ground floor of the said property.
2. The petitioner is specifically aggrieved by the incident that has taken place in the intervening night of 04.09.2024 and 05.09.2024 qua which, he has also lodged a DD No.47 on 06.09.2024 at P.S. Rajinder Nagar, Delhi. He further seeks the following reliefs:-



“A. Issue a Writ, order or direction in the nature of Mandamus thereby directing the Respondent Police Authorities to grant police protection to the life and liberty of the Petitioner so as to ensure that no harm is caused to the Petitioner, his wife and other family members and to his property by the Respondent No.5, his family members, his associates and his employees etc.; and

B. Issue a Writ, order or direction in the nature of Mandamus thereby directing the Respondent Police Authorities to henceforth maintain regular and constant touch with the Petitioner and take appropriate legal action as required under the law on all complaints of the Petitioner henceforth with respect to all acts of violence, misdeeds, tortures, harassments, nuisances or damages committed/caused by the Respondent No. 5, his family, servants and associate against/to the Petitioner, his wife. Family and/or to his properties: and

C. Issue a Writ, order or direction in the nature of Mandamus or in the nature of Prohibition thereby directing the Respondent No. 5, his family members, his associates and his employees etc. from making any violence, threat, nuisance, harassment or any attempt to cause physical harm to the Petitioner and his family members either directly or indirectly by damaging his property and not to interfere with the peaceful existence of the present Petitioner, his family members and his associates or with his property; and

D. Direct the Respondent Nos. 1 to 4 (Police Authorities) to submit a status report in relation to the various complaints already filed by the Petitioner against the Respondent No. 5 and his associates and thereafter direct the Respondent Nos. 1 to 4 to immediately take appropriate legal action in relation to the aforesaid....”

3. Issue notice.



4. Learned Standing Counsel for the State accepts notice and, on instructions, submits that both the petitioner and respondent No.5 are the owner and occupants of their respective portions in the same building. He has handed over a copy of the GD No.2A registered under Sections 126/169 BNSS on 11.09.2024 at P.S. Rajinder Nagar, Delhi. The same reads as under:-

“At this time, it is lodged that a complaint of complainant G.Gehani R/o R-689, 1st floor, New Rajinder Nagar, Delhi was received at PS Rajinder Nagar on 06.09.2024 vide DD No. 47 dated-06/09/24 against Sunil Kumar Falwaria s/o Dwarka Prasad R/o R-689 New Rajinder Nagar, Central Delhi-60, regarding threatening, torturing, damage to CCTV installed by him and damage to his various belongings. As per the enquiry conducted it was found that various other complaints were also received at PS Rajinder nagar against the alleged persons. The dispute arose between the complainants and the alleged persons is over petty issues. From the enquiry conducted, it seems there are chances of quarrel/breach of peace and harmony in the area by Sunil Kumar Falwaria s/o Dwarka Prasad R/o R-689 New Rajinder Nagar, Central Delhi-60 with G.Gehani R/o R-689, 1st floor, New Rajinder Nagar, Delhi in future over petty issues. There is an anxious situation of threat to the complainant from the above-mentioned accused person and the complainant putting allegations against them, which may breach the peace of their surroundings. All the facts were narrated to SHO Sir, he after discussion with senior officer's, ordered undersigned to take preventive action u/s 126/169 BNSS. Therefore, a Kalandra u/s 126/169 BNSS will be prepared against Sunil Kumar Falwaria s/o Dwarka Prasad R/o R-689 New Rajinder Nagar, Central Delhi-60, and will be submit to court of SEM, Kamla Market. Therefore, preventive action U/s 126/169 BNSS is taking against them. All facts apprised to SHO Sir and the information lodged in CCTNS. DD by”



5. Learned Standing Counsel further submits that the mobile numbers of the concerned SHO as well as the beat officer would be provided to the petitioner and in case the petitioner receives further threats, the mobile number of the concerned ACP would also be provided. He also submits that the concerned SHO would look into the incident and also sensitize both the parties.

6. Insofar as petitioner's civil and easement rights are concerned, the petitioner would be at liberty to seek appropriate remedy in accordance with law.

7. In view of the above, the petition is disposed of alongwith the pending applications.

8. Needless to state that the petitioner shall be at liberty to approach the concerned SHO/concerned Court, in case there is further threat or if the need so arises.

MANOJ KUMAR OHRI, J

NOVEMBER 27, 2024

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