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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17672/2024 & CM APPL. 75222/2024**
VINEET JAIN AND ANRPetitioners

Through: Mr. Ravi Prakash Mehrotra, Senior
Advocate with Mr. Apoorv
Srivastava, Advocate.

versus

STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Avtaar Singh Deol, Advocate for
R-1 with SI Akash Deep, P.S.
Kotwali.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
20.12.2024

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1. Petitioner No. 1 is a partner in Petitioner No. 2 – a partnership firm under the name of M/s Sanmati Jewellers, which owns and operates a jewellery showroom at Kucha Natwa, Chandni Chowk, New Delhi. Through the present writ petition, the Petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India, seeking following directions:

- “(i) *pass an order directing Respondent no. 1 to take time-bound and effective action in relation to the Complaints/Grievances dated 25.11.2024 and 3.12.2024 by Petitioner No. 1, including the daily harassment and embarrassment being caused to Petitioner No. 1 by such anti-social elements;*
- (ii) *pass an order directing Respondent no. 1 to provide adequate and appropriate protection to Petitioner No. 1, his family and his business premises, which is severely jeopardised on account of the unlawful coercive conduct of Respondent No. 2, its members and*



other individual elements;

- (iii) *pass an order directing Respondent No. 1 to ensure immediate removal of all unauthorised protestors and obstructions from in front and around the business premises of M/s Sanmati Jewellers (Petitioner No. 2) at Chandni Chowk, Delhi”*

2. In order to appreciate the cause of action for the Petitioners to approach this Court for seeking the aforementioned reliefs, a brief narration of facts is necessary.

2.1 Petitioner No. 1 asserts that one of his brothers, Mr. Ankur Jain, was inducted as a partner in the partnership firm, on 1st April 2022. Thereafter, Petitioner No. 2 – the partnership firm, continued to expand its business operations, earning a lot of goodwill, customer trust and satisfaction over the years in the jewellery business at Chandini Chowk.

2.2 On 14th November, 2024 some unidentified persons gathered at the premises of Petitioner No. 2 and threatened and intimidated the Petitioners and their employees, for re-payment of debts owed by another brother of the Petitioner - Mr. Ankit Jain. Mr. Ankit Jain apparently incurred business losses and liabilities towards creditors, many of whom are members of Respondent No. 2 - Bullion and Jewellers Association. The Petitioners assert that although Mr. Ankit Jain is related to Petitioner No. 1, there are no financial or business connections or associations between the partnership firm and Mr Ankit, in any manner whatsoever.

2.3 The Petitioners also assert that a complaint has been lodged against Petitioner No. 1 and the partnership firm, by one M/s Vijay Jewellers, Sadar Bazar, Ambala (Haryana), following the business debt and outstanding dues of Mr. Ankit Jain and his business. In this regard, the Petitioners also have disclosed that they received a notice dated 21st November, 2024, from the



Investigating Officer, Economic Offences Wing¹, Ambala, calling upon Petitioner No. 1 and his brother Mr. Ankur Jain, to join the preliminary investigation being conducted in terms of the complaint filed by M/s Vijay Jewellers. The Petitioners assert that they have duly furnished their response to the said notice of the EOW on 27th November, 2024.

2.4 In the aforementioned background, in the meantime, when the Petitioners received threats of coercion to their life and property at their place of business in Chandini Chowk, Petitioner No. 1 lodged a complaint dated 25th November, 2024 with the SHO, P.S. Chandni Chowk, Delhi, seeking protection and redressal of their grievances.

2.5 Thereafter, on 2nd December, 2024, a group of individuals staged a protest/demonstration outside the showroom and business premises of the Petitioners, obstructing access to the same and causing distress to the Petitioners, their customers as well as their employees. With respect to this incident, it is alleged that even though the SHO visited the Petitioner's premises, he failed to take any concrete action or steps to resolve the situation.

2.6 Subsequently on the next day – i.e., 3rd December, 2024, when another protest was staged outside the business premises of the Petitioners, Petitioner No. 1 filed another complaint with the P.S. Chandni Chowk.

2.7 In addition to the above, in the present writ petition, the Petitioners narrate their involvement in the ongoing parallel investigating with respect to the complaints filed against the outstanding dues of Mr. Ankit Jain, which complaints are being investigated by the police at Ambala, Punjab and Ghaziabad, U.P.

¹ “EOW”



2.8 In light of the foregoing, the Petitioners argue that the inaction of the police in terms of not taking the requisite action for disbursement of the protest outside their business premises amounts to violations of their fundamental right under Article 19(1)(g) and 21 of the Constitution of India. As such, they not only seek appropriate directions to be issued to the police but also call for an action taken report in terms of quelling the supposed crowd of protesters outside their premises.

3. The Court has heard Mr. Ravi Prakash Mehrotra, Senior Counsel for Petitioners, at considerable length. Primarily, the Petitioner places emphasis on two complaints filed before the police, regarding the alleged ongoing protests and obstruction of business being faced by them. For the purpose, it would be apposite to take note of the said complaints which have been placed on record. The complaint of 25th November, 2024, reads as follows:

*"To,
Mr. SHO Sir,
Chandni Chowk, Delhi*

Dated: 25.11.2024

*Subject: Application letter for information regarding danger to life and Property
Sir,*

It is my humble request that we are three brothers Vineet Jain, Ankur Jain (first party) and Ankit Jain (second party). The first party is running his business in the name of Sanmati Jewellers from Chandni Chowk since about 25 years and the second party is running his business in the name of (Rishabh Trading Co. & Shanti Nath Trading Co.) since 22 years. The two brothers have separate businesses and there are no business connections. Due to some reason, Ankit (second party) has suffered a lot of losses in his business. Due to this reason, people are threatening us (first party) with life and property.

Therefore, we request you, first party (Vineet Jain and Ankur Jain) to kindly take immediate action on our complaint and ensure the safety of the life and property of the deceased.

Yours sincerely,



Sd/-
Vineet Jain
1051 Kiccha Natwa Chandni Chowk
Delhi 110006”

4. The subsequent complaint of 3rd December, 2024, narrates the following :

“To,
Mr. SHO Sir,
Chandni Chowk, Delhi

Dated: 25.11.2024

Subject: In connection with unwanted people causing hindrance to customers etc. of our jewellery showroom

Sir,

It is requested that our jewellery showroom Sanmati Jewellers is at 1051 Kucha Natwa, Kacha Bagh, Chandni Chowk. Just now some people placed mattresses and chairs outside our showroom and were disturbing our customers. We have nothing to do with them. When we called the Beat Officer and No. 112, Police reached the spot and removed them and told us to give written information about this to SHO.

We have sent one information on 25.11.24 also to 46 A.

We request you to kindly take action on our application letter.

Sincerely,
Vineet Jain
3/12/24
1051 Kucha Natwa Chandni Chowk”

5. Both the complaints noted above and particularly the complaint dated 3rd December, 2024, only indicates the incident to be that allegedly some unnamed persons placed mattresses and/or chairs outside the showroom of the Petitioners and were disturbing the customers who intended to visit the said premises. However, the Petitioner acknowledges that on the police being informed of such an event, the beat constable subsequently reached the spot and dispersed the alleged protesters.

6. It must be noted that post 3rd December, 2024, till date, the Petitioners



have not made any other complaint to the Police for any further alleged protest/demonstration outside their business premises. In any event, it must be noted that the allegations made in the present writ petition, do not in any way match the allegations/statements made in the complaints which were submitted to the police. It is further noticed that the present writ petition narrates several serious allegations of threat to life and property as well as restrictions on the Petitioner's capacity to carry out their trade and business. However, in the complaint or the present writ petition, there is no narration of the date or particulars as to how such threats were extended to the Petitioners or by whom such threats were made. The complaints are vague and unspecific.

7. Only if a cognizable offence is made out, can the police take appropriate action and investigate the matter in accordance with law. In the opinion of the Court, the two complaints referred above do not disclose any criminal offence for the Court to call for an action taken report from the concerned police station.

8. It is however made clear, that in case the Petitioners receive any threat to their life or if there is occurrence of any criminal offence, the Petitioners are always free to approach the police with the specific request for seeking their intervention. In case such a request is received, the police shall act on it, in accordance with law. In the event, no action is taken on legitimate complaints made by the Petitioners, they can take the recourse to appropriate remedies as provided under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for registration of the requisite FIR. In case there is any further protest or obstruction caused by any person which could restrict the Petitioners' access to their premises or creates any untoward incident, the



Petitioners shall be free to approach the concerned SHO for necessary help. Such request shall be actioned as per law.

9. As regards the allegations made in the writ petition which indicate defamation and derogatory remarks being made against the Petitioners by the alleged protesters, it is noted that the appropriate remedy is not to file a writ petition under Article 226 of the Constitution of India, but to take recourse to appropriate civil proceedings, in accordance with law. Therefore, in terms of the alleged damage of the Petitioners business and reputation, the Court refrains from making any comment except for observing that the instant writ petition is not the correct remedy invoked by the Petitioner.

10. With the above observations, the present writ petition is disposed of along with pending application.

SANJEEV NARULA, J

DECEMBER 20, 2024

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