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

+ W.P.(CRL) 255/2023

MS. XYZ & ANR.

.....Petitioners

Through: Mr. Madhu Mukul Tripathi, Mr.
Utkirsht Tripathi, Ms. Nisha Sharma,
Ms. Mansi Singh, Advocates

versus

COMMISSIONER OF DELHI POLICE & ORS. & ORS.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhishek Kumar, Ms. Amisha
Gupta, Advocates with SI Jitendra
Yadav, PS Mohan Garden

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
29.07.2025

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1. The present petition filed under Article 226 of the Constitution of India, 1950, seeks the following relief:

- “i. Order an inquiry into the atrocities committed by the accused officials of U.P. Police by an independent agency under the supervision of the Hon'ble Court.*
- ii. Initiate actions against the accused officials of U.P. Police.*
- iii. Award punitive damages in favour of the Petitioners and against the Respondent state.*
- iv. Grant the Petitioners protection against harassment by the accused officials of UP Police.”*

2. A brief background leading to the filing of the present petition is as follows:

2.1. Petitioners were tenants residing as tenants at House No. 158, Chaura Village, Sector 22, Noida, Uttar Pradesh. On 30th August 2022, a dispute arose when their neighbor, Komal, allegedly threw garbage outside their



residence. Upon being confronted by Petitioner No. 2, Komal allegedly responded with verbal abuse and threats. Later the same day, she, along with seven other individuals, reportedly entered the Petitioners' home forcibly and physically assaulted them.

2.2. The Petitioners' landlord, upon learning of the incident, reportedly called the police. Two policemen arrived at the scene and allegedly made a false accusation against Petitioner No. 2 of stealing a gold chain. It is alleged that acting on the directions of the Chowki In-charge, Sector 22, Noida, the police forcibly took the Petitioners to P.S. Sector 22, Noida, without the presence of a female constable. Upon the arrival of a woman constable, it is alleged that she slapped and misbehaved with Petitioner No. 2. The Chowki In-charge also allegedly misbehaved with Petitioner No. 2's husband and son. It is further alleged that Petitioner No. 1, a minor, was also subjected to physical assault by the police.

3. Counsel for the Petitioners states that the Petitioners were subjected to police brutality at the hands of officials from Noida Police. It was contended that the officials are liable for punitive action under Sections 7, 29 of the Police Act, 1861 and Sections 166A, 506, 508 of the Indian Penal Code, 1860.¹ Further, since Petitioner No. 1 is a minor and was subjected to sexual assault, the officials are also stated to be liable under Sections 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012.

4. In compliance with the directions of this Court, status reports have been filed, confirming that upon intimation of the incident, NCR No. 59/2022 under Sections 323 and 504 IPC was registered and investigation in the matter is underway. The State reports that the Petitioners had shifted



their residence to Vipin Garden, Mohan Garden, New Delhi on 6th September, 2023. Officers from P.S. Sector 24, Noida, visited the new address for recording statements and collecting relevant evidence, with the investigation being assigned to SI Ranjana. Subsequently, the complaint was transferred to the concerned police station in Noida, where the incident occurred. It is also informed that during the course of the investigation, the initial NCR was converted into FIR No. 366/2022 on 19th September, 2022, registering offences under Sections 323, 504, 452, 506 of IPC against Komal. The report further clarified that no untoward incident occurred within the jurisdiction of P.S. Mohan Garden.

5. Having considered the afore-noted, the Court is of the view since the investigation into the alleged assault by private individuals is already underway and an FIR has been registered, no further directions are necessary to be issued by this Court. In case the Petitioners are aggrieved on any inaction on the part of the police relating to the investigation, they avail other legal remedies, as available under law.

6. In view of the above, the present petition is dismissed.

SANJEEV NARULA, J

JULY 29, 2025/ab

¹ “IPC”