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

+ **W.P.(CRL) 187/2025**

PARAS SHARMA & ANR.

.....Petitioners

Through: Mr. Amit Saini, Advocate with
Petitioner in person.

versus

COMMISSIONER OF DELHI POLICE & ORS.Respondents

Through: Ms. Rupali Bandhopadhy, ASC
(Crl.) with Mr. Abhijeet Lumar and
Mr. Anurag Arora, Advocates for
State with Mr. Sumeet Poonia, SI, PS-
Vivek Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.01.2025

1. The instant petition has been filed under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, seeking directions against Respondent Nos. 4 and 5 to save the life, liberty and property of the Petitioners.

2. The factual background, as narrated in the petition is as follows:

2.1 Petitioner No. 1 is a property dealer by profession and operates his firm under the name and style of SSS Associates, engaged in constructing buildings and executing collaboration agreements.

2.2 Respondent No. 4 worked as an associate in the office of Petitioner No. 1, while Respondent No. 5 is the brother of Respondent No. 4.

2.3 On 6th September, 2023, Petitioner No. 1 entered into a collaboration



agreement, under which he was to re-build the property bearing No. 27/94/2, area measuring 196 Sq. yards, out of Khasra No. 3177/263/742 and 3194/2607/743, situated in Jwala Nagar Shahadra, Delhi.

2.4 Petitioner No. 1 entrusted Respondent No. 4 with managing the construction work of the said property. However, it was later discovered that Respondent No. 4, without Petitioner No. 1's consent, sold the second floor of the property, and executed an agreement to sell and byana agreement for a sum of INR 25 lakhs with one Sadhna Goyal.

2.5 Subsequently, when Petitioner No. 1 confronted Respondent No. 4 and called upon him to return the money, he started manhandling Petitioner No. 1 and threatened to take away the property.

2.6 In this regard, Petitioner No. 1 made a PCR call and also lodged a complaint at P.S. Vivek Vihar. Additionally, he also served a legal notice to Respondent No. 4 to refund the amount of INR 25 lakhs. However, no action was taken.

3. In this background, the Petitioners seek the following prayers:

"Under the facts and circumstance mentioned above and grounds amongst others, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or directions for taking immediate, stern and necessary actions against the respondents no. 4 & 5 and save the life, liberty and property of the petitioners from the hands of respondent nos. 4 and 5 may kindly be necessary directions to be issued not to create any hindrance or problems in the life of the petitioners be passed, in accordance with law."

4. On the other hand, Ms. Bandhopadhyya, ASC for the State states that pursuant to the PCR calls made by Petitioner No. 1, a *kalandra* has already been recorded against the Petitioners as well as Respondent Nos. 4 and 5 on 3rd January, 2025. She submits that the complaints lodged by Petitioner No. 1 do not reveal any cognizable offence. As regards Petitioner No. 1's



apprehension of threat to life and property, Ms. Bandhopadhyaya states that he is free to approach the concerned police station with any specific complaint, which shall be considered on its own merits.

5. The Court has considered the aforesaid submissions. At the outset, it is noted that the allegations made in the petition pertain to a property dispute, which is primarily of a civil nature. As regards the Petitioner's contention pertaining to the inaction of the Respondent authorities, it is noted that the PCR calls made by Petitioner No. 1 were duly acted upon, resulting in the recording of *kalandra* against the Petitioners as well as Respondent Nos. 4 and 5. If the Petitioner No. 1 is aggrieved with the above order and seeks to register an FIR, the appropriate course of action would be to invoke the relevant provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023. Therefore, in light of the said facts and circumstances, the Court is of the opinion that no directions are required in this matter. The Petitioners are free to approach the concerned SHO in case of any untoward incident or threat, and such complaint shall be dealt with, in accordance with the law.

6. In view of the foregoing, the petition is disposed of.

SANJEEV NARULA, J

JANUARY 20, 2025

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