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

+ **W.P.(CRL) 603/2025**

M.A. BURNEY AND ORS

.....Petitioners

Through: Ms. Mohini Kumari, Mr. Prince, Mr. Aman, Mr. Sushil, Mr. Sumit Kumar, Advocates

versus

THE STATE (GOVT. OF NCT DELHI) AND ORS

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the State with Mr. Mathew M. Philip, Mr. Sangeet Sibou, Mr. Aniket Kumar Singh, Advocates with Insp. Jeet Singh, S.I. Satish Bhati, P.S. Sarita Vihar.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **20.02.2025**

1. The present petition has been filed seeking the following relief: -

“a) Issue a writ, order, or direction directing the Respondents to provide police protection to the petitioner and his sons namely Aman, Zeeshan and Sameer from respondents no 5 to 7, they can attack. On petitioner and his family including sons namely Aman, Zeeshan and Sameer at any time and call the DCP respondent no 2 before this court and take explanation what Action has been taken on complaint dated 01.02.2025 given by the Son of the petitioner and complaint dated 02.02.2025 of the Petitioner. And take necessary legal action against respondent No 5 to 7 for kidnapping and man handling with the son of the Petitioner.”

2. Learned counsel for the Petitioners states that Petitioner's wife has filed a Public Interest Litigation ('PIL') petition i.e. W.P.(C) 8035/2024 titled as *Shabnam Burney v. UOI & Ors.*, wherein the Division Bench has passed

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effective orders for removal of unauthorized construction at the instance of the Petitioners, which is still pending.

3. She states that this has led to animosity between Petitioner no. 1 and his family with local residents including Respondent nos. 4 to 7.

4. She states that the Petitioners are compelled to file Writ Petitions seeking protection against local residents who are aggrieved by the PIL filed by Petitioner No. 1's wife. In this regard, she refers to pendency of W.P. (CRL) 2496/2024 titled *M.A. Burney v. UOI & Ors.* and W.P. (CRL) 1386/2024 titled *M.A. Burney v. State of NCT of Delhi & Ors.*

5. She states that the present petition has been filed based on an incident which happened on 01.02.2025, when Sameer Burney (Petitioner no. 4) was abducted by Respondent Nos. 4 to 7 while he was out buying medicine for his mother. They verbally assaulted him, dragged him into a basement, and physically attacked him by kicking and punching, threatening to kill him. She states Petitioner no. 4 managed to call his father during the incident. His family, alerted by friends who witnessed the abduction, arrived at the scene but found the basement door locked. They called the police, who responded promptly and rescued Petitioner no. 4 from his captors.

6. She states that in respect to the abovesaid incident, Petitioner no. 4 gave a written complaint to SHO, P.S. Sarita Vihar and this written complaint has been assigned as DD No. 85A.

7. She states that the official Respondents i.e. Respondent nos. 1 to 3 have not yet acted upon the complaint given by the Petitioner No. 4.

8. In response, learned ASC states that with respect to the incident dated 01.02.2025, the Police received a call from the Petitioner no. 1 which was recorded as DD No. 71 at 08:08 P.M. and this was followed by a call from



Respondent no. 4 which was recorded as DD No. 69 at 08:20 P.M.

9. He states that upon the arrival of the Police at the residence of Respondent no. 4, the parties were first taken to the P.S. Sarita Vihar and thereafter, Petitioner no. 4 was taken to AIIMS, Delhi for medical check-up.

10. He states that during investigation, the Investigating Officer (IO) of the Police Station Sarita Vihar was provided CCTV footage of the location for the relevant period by Respondent no. 4.

11. He states that, perusal of the CCTV footage shows that at 07:45 P.M. Petitioner no. 4 along with another boy was seen outside the residence of Respondent no. 4 making inquiries about Respondent no. 4.

12. He states that at 08:07 P.M., the CCTV footage recorded Petitioner No. 4 engaging in verbal abuse towards Respondent No. 4. Subsequently, Respondent No. 4 is seen escorting the Petitioner into his residence, after which Respondent No. 4 placed a call to the police requesting their presence at the location, since the Petitioner no. 4 was abusing him and creating ruckus outside his house.

13. He states that the investigation has revealed that it was Petitioner No. 4, Sameer, who had visited the residence of Respondent No. 4 with the intention of provoking him.

14. He states that the police, upon conducting a preliminary investigation, have found no merit in the allegations made by Petitioner No. 1 regarding any attempt by the Respondents to kidnap Petitioner No. 2.

15. He submits that the Petitioners herein cannot maintain the present Writ Petition. If the Petitioners deem it appropriate, they may approach the Competent Court under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, for registration of the FIR if they perceive that the police have



failed to take action. Any grievances raised by the Petitioners can be duly examined by the Competent Court after a thorough review of the evidence available on record.

16. He states that however, instead of taking recourse to the statutory remedy available, the Petitioners have filed the present Writ Petition for seeking the said relief and therefore, this Court should not entertain this petition in view of the alternate statutory remedy available to them.

17. He further states that he places reliance upon the order dated 27.05.2024 passed by the Coordinate Bench while dismissing W.P. (Crl.) No 1386/2024 and Crl. M.A. 16613/2024 wherein the Court found that the allegations made by the Petitioners are vague and bereft of any particulars.

18. He states that the Station House Officer (SHO) of P.S. Sarita Vihar has already provided the Petitioner with the mobile contact numbers of both the SHO and the beat constable assigned to the area, along with a PCR van which is present near the address given by the Petitioner, thereby enabling the Petitioners to reach out to the police officials in the event that they perceive any threat. In this regard, he places reliance upon the order dated 27.05.2025 passed in W.P. (Crl.) No 1386/2024.

19. He submits that in view of the abovementioned facts, there is nothing further that the SHO P.S. Sarita Vihar could have done for the Petitioners.

20. He has submitted a chart detailing the writ petitions filed by Petitioner No. 1 and their family, totalling 17 in number, to contend that the Petitioners have filed multiple cases alleging inaction against various authorities. Furthermore, he notes that W.P. (Crl.) No. 1386/2024 and W.P. (Crl.) No. 2496/2024 are currently pending before this Bench.

21. He states that on 17.02.2025, when W.P. (Crl.) 2496/2024 was listed,



the Petitioner simply sought an adjournment and did not raise any such allegations.

22. He states that filing of multiple writ petitions is indicative of the abuse of process and not an indicator of any inaction by the police.

23. He states that therefore the present petition ought not to be entertained by the Court as the Respondents have duly acted upon the incident of 01.02.2025.

24. This Court has considered the submissions of the parties.

25. In view of the submissions of the learned ASC noted herein above, this Court is *prima facie* satisfied that there has been no laxity shown by the concerned officials of P.S. Sarita Vihar in responding to the call made by the Petitioners on 01.02.2025. The Petitioners have not placed on record any evidence to rebut the submission of the Respondent that the CCTV footage shows that Petitioner no. 4 was lurking around the residence of Respondent no. 4 for picking up a quarrel.

26. Moreover, the Petitioner has not disputed the submission of the learned ASC that a PCR Van and also police picket is present near the address of the Petitioner and the mobile numbers of the SHO and the beat constable are already shared with the Petitioners.

27. Accordingly, the present petition stands dismissed. Pending applications, if any, also stands disposed of.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 20, 2025/mt/AM

[Click here to check corrigendum, if any](#)