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

+ **W.P.(CRL) 977/2025**

SAIMA KHAN & ANR

.....Petitioners

Through: **Mr. Mobin Akhtar,**
Advocate.

versus

**THE STATE OF NCT
OF DELHI AND ORS.**

.....Respondents

Through: **Mr. Amol Sinha, ASC for
the State with Mr.
Bhawani Shankar Pathak
and Mr. Ashish Santoliya,
Advocates and SI Prashant
Malik, PS Laxmi Nagar.**

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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27.03.2025

CRL.M.A. 9234/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present writ petition is filed by the petitioners essentially seeking impartial investigation in a complaint dated 07.02.2025, that was given by the petitioner to the police authorities.

4. The learned counsel for the petitioners submits that a false complaint has been given by Respondent No.5 alleging certain acts against the petitioners in regard to violation of provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

5. He submits that the petitioners have been falsely implicated solely for the reason that they had given a prior
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complaint against Respondents Nos. 2 to 5 in regard to unauthorised construction in the petitioners' vicinity.

6. He further submits that Respondents Nos. 2 to 5 in connivance with other elements are implicating the petitioner in a false case. He submits that the petitioners have given a complaint dated 07.02.2025 in this regard to the police.

7. The petitioners seem to be aggrieved by the complaint given against them by Respondent No.5. The petitioners apprehend that they will be falsely implicated.

8. It is noted that the complaint was given by Respondent No.5 against the petitioners under Section 175 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the learned Trial Court. The police were directed to file Action Taken Report ('ATR') in the said case.

9. The complaint given by the petitioners to the police authorities narrate certain events which at this stage appear to be in the nature of defence. The police authorities are duty bound to take complaints disclosing commission of cognizable offence and proceed further in accordance with law.

10. The learned Additional Standing Counsel for the State submits that the statement of the petitioners would also be considered and an appropriate report would be filed after fair and impartial investigation in relation to their complaint.

11. Concededly, the police is expected to file ATR on the basis of impartial inquiry/investigation after considering all aspects of the matter including the statements that may be given by the relevant persons.

12. Since the matter is pending before the learned Trial Court, no order is required to be passed in the present petition at this stage.



13. The petition is therefore disposed of with the aforesaid observations.

14. It is made clear that this Court has not made any observations on the merits of the allegations made by the petitioners in the present petition as well as Respondent No.5 in his complaint. The police and learned Trial Court are directed to proceed in relation to the respective complaints without being influenced by the order passed in the present petition.

AMIT MAHAJAN, J

MARCH 27, 2025

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