



\$~32 (05.02.2025)

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

+ **W.P.(CRL) 1309/2023**

ATUL SHARMA

.....Petitioner

Through: **Mr. M. Sufian Siddiqui, Advocate.**

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: **Mr. Sanjeev Bhandari, ASC (Crl.)**
with **Mr. Arjit Sharma** and **Mr. Nikunj Bindal, Advocates for State.**
Mr. Chirag Singal, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.02.2025

%

[This case is being taken up today as 5th February, 2025 was declared a holiday on account of General Elections-2025 in the Legislative Assembly of NCT of Delhi vide Notification dated 31st January, 2025]

W.P.(CRL) 1309/2023

1. The present petition filed under Article 226 of the Constitution of India, 1950, read with section 482 of the Code of Criminal Procedure, 1973 seeks the following reliefs:

“a. Issue a Writ of Mandamus or any other analogous Writ, Order or Direction thereby directing the respondent no.1 herein to ‘prevent the brazen abuse of the process of law’ by restoring the ‘status quo ante’ prevailing on 03.05.2023 on an exigent basis by handing over the physical possession of the petitioner’s portion of the factory in question (more specifically described in Para no.2 of this petition), to the petitioner herein, who is a senior citizen whilst upholding and preserving the primacy of ‘Rule of Law’ and by safeguarding his sacrosanct Constitutional & Fundamental Rights, viz. ‘Right to Property’, ‘Right to Livelihood’, a concomitant of



'Right to Life' as Guaranteed under Article 21 & 300A of the Constitution; and

b. Direct the respondent no.1 herein to conduct and conclude the Preliminary Inquiry in a fair, impartial and time-bound manner under the direct supervision of a Deputy Commissioner of Police (Vigilance) or by a Police Official of a higher rank on the Petitioner's Complaint dated: 04.05.2022 and the communications sent subsequent thereto apropos the inscrutable inaction of local police on the brazen illegal acts of criminal trespass committed by breaking open the locks of the entry doors, wrongful restraint, criminal intimidation & theft at the petitioner's portion of the factory in question, perpetrated by Mr. Deepak Aggarwal/respondent no.3 herein and his musclemen belonging to the 'builder mafia' and Mr. Ramesh Chandra Sharma/respondent no.2 herein, in active collusion with the Local Police; and

c. Direct the respondent no.1 herein to 'secure the ends of justice' by taking efficacious measures on an exigent basis inter-alia by conducting the videography of the factory in question in the presence of the petitioner and/or his authorized representatives, thereby ensuring that the goods, articles, plant, machinery, documents, laptop, computer, pen drives having important customer data, and the customers assets viz. die moulds etc. worth approx. Rs. 9 crores lying inside the petitioner's portion of the factory in question are scrupulously secured and protected from any sort of mischief, damage, vandalization and theft; and

d. Direct the respondent no.1 herein to 'secure the ends of justice' by forthwith seizing, securing and preserving the most vital piece of evidence that is ephemeral in nature viz. Digital Video Recorder (DVR) of CCTV cameras installed inside the factory in question owned by the petitioner's company, imperatively required inter-alia for carrying out fair and impartial investigation, vindicating the petitioner's case, bringing home the guilt of the accused persons, and consequently, for the just adjudication of the case; and

e. Direct the respondent no.1 herein to forthwith secure and place on record before this Hon'ble Court, the CCTV footage of all the Cameras installed inside Police Station, Paschim Vihar- West, Outer District w.e.f. 01.05.2023 to 06.05.2023, in terms of the Hon'ble Supreme Court's judgment dated: 02.12.2020 passed in the case of "Paramvir Singh Saini vs Baljit Singh & Others" Special Leave Petition (Criminal) No.3543/2020."

2. Mr. M. Sufian Siddiqui, counsel for the Petitioner acknowledges that the aforementioned reliefs stands redressed as an FIR has been registered and a chargesheet is in the process of being filed. He further states that the possession of the property bearing No. Plot No. J-28, Udyog Nagar-



Industrial Area, Rohtak Road, New Delhi-110041 has been handed over to the Petitioner in terms of order dated 3rd October, 2023 passed in Cont. Case Civil No. 853/2023.

3. In light of the foregoing, since the reliefs sought in the present petition stand redressed, no further directions are prayed for, or are necessary.

4. Disposed of.

CRL.M.A. 31762/2023

5. After some submissions, Mr. Siddique states that he would like to withdraw the present application with liberty to take recourse to appropriate legal proceedings, at an appropriate stage, in accordance with law.

6. Dismissed as withdrawn with liberty as aforesaid.

SANJEEV NARULA, J

FEBRUARY 6, 2025

nk