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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2108/2025, CRL.M.A. 19673/2025 & CRL.M.A.
19674/2025

OMKAR GUPTA

.....Petitioner

Through: Mr. Maroof Ahmad, Mr. M.A. Khan,
Advocates

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI Salman Ahmed, PS
Hauz Khas

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
11.07.2025

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1. The present petition filed under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks the following relief:

- “(a) *Pass appropriate Writ(s)/Order(s)/Direction(s) particularly in the nature of mandamus whereby directing the Respondent no. 1 to ~ to take appropriate legal action against the Respondent No.6 to 20 and to look into the matter and investigate the same thoroughly, properly, fairly and expeditiously preferably by State C.LD. and/or Special Investigative Team (S.LT.) and/or any other Independent Investigating Agency/Authority, on the grounds as mentioned herein above and in the interest of justice;*
- (b) *Pass further Writs, Orders and/or Directions whereby directing the Respondent No. 2 to 5 to provide police protection/security to the Petitioner from the hands of the Respondent No. 6 to 20 and their accomplices, on the grounds as mentioned herein above and in the*



interest of justice;”

2. The Petitioner alleges that his wife and other family members, who are arrayed as Respondents No. 6 to 20, have subjected him to repeated acts of assault and intimidation. In particular, he refers to an incident on 18th February, 2022, when Respondent No. 6, allegedly in collusion with others, poured kerosene oil on his head with the intent to set him ablaze. It is alleged that a lit matchstick was thrown at him, which he narrowly avoided before fleeing the scene. The Petitioner asserts that he immediately informed the police and was thereafter taken to AIIMS for medical treatment. According to him, this attack stemmed from his refusal to transfer property worth INR 20 lakhs to Respondent No. 6. Though a complaint was filed with the Deputy Commissioner of Police, South East District, Hauz Khas, no FIR has been registered to date.

3. In the considered view of the Court, once a complaint is submitted to the police, the concerned authorities are duty-bound to inquire into it and take appropriate action in accordance with law. If the Petitioner is dissatisfied with the response or perceives inaction on the part of the authorities, the remedy available to him lies in approaching the jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973, seeking appropriate directions for investigation and not approach this Court.

4. As regards the apprehension expressed by the Petitioner concerning his safety and personal liberty, this Court directs the SHO of the concerned Police Station to ensure adequate protection to the Petitioner. The beat constable assigned to the area shall be duly sensitized to the Petitioner's situation. Additionally, the contact details of the Police Station and the designated beat constable shall be provided to the Petitioner to enable him to



seek immediate assistance in the event of any imminent threat.

5. With the above directions, the present writ petition along with pending applications, is disposed of.

6. It is clarified that this Court has not expressed any opinion on the merits of the allegations made by the Petitioner. Since the Respondents have not been issued notice nor heard at this stage, all rights and contentions of the parties are expressly kept open to be agitated in appropriate proceedings before the competent forum. The directions issued herein, particularly regarding police protection, are purely preventive in nature and intended to safeguard the Petitioner's life and liberty; they shall not be construed as a reflection on the veracity of the allegations made, nor as any acceptance or affirmation of the Petitioner's claims.

SANJEEV NARULA, J

JULY 11, 2025/ab