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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2273/2025**
MALIYA

.....Petitioner
Through: Mr. Sanjay Suri, Mr. Rishabh Relan,
Ms. Vinny S, Ms. Bumika Pardesi
and Mr. Taranveer Singh, Advocates.

versus
STATE THROUGH SHO PS SULTANPURI & ORS.

.....Respondent
Through: Mr. Yasir Rauf Ansari, Ld. ASC for
State with Mr. Alok Sharma,
Advocate with SI Bijender P.S. S.
Puri.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **23.07.2025**

CRL.M.A. 21159/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

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3. A Criminal Writ Petition under Article 226 and 227 of Constitution of India read with Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed for directions to the Respondent No.1 and 2 to record the statements of the Petitioner and to register an FIR against Respondent No.3 to 6.
4. As per the submissions in the Petition, on 24.05.2025 a *Panchayat* was convened at the behest of Respondent No.3 and wife of Respondent



No.6 who are the real brother and sister to resolve the family dispute. The deceased Rishal was also called to attend the *Panchayat* at 10:30 A.M with ulterior motive. The Panchayat was convened at 02:30 P.M during which Respondent No.3 to 6 started using abusive language against all the Panchayat members for not supporting their unreasonable cause. Deceased Rishal objected to the use of filthy language against the members of the Jaat and Biradari who had gathered to resolve the dispute. However, Respondent No.3 to 6 did not stop and continue to use curse words against the deceased for not supporting them albeit being their neighbor. The deceased did not pay any heed to their extortions and started to leave the meeting on which Respondent No.3 to 6 caught hold of the deceased and assaulted him on his chest with fists and blows. The deceased, therefore, died at the spot due to traumatic cardiac arrest.

5. The deceased was taken to Sanjay Gandhi Hospital by the Panchayat members, where he was declared “Brought Dead” due to Coronary Artery Disease, but no opinion was given about the physical assault by Respondent No.3 to 6.

6. The medical examination was conducted on 24.05.2025 at 03:25 P.M wherein he was declared “Brought Dead”. The Medico-Legal Report cum Post Mortem Examination Report dated 25.05.2025 give the cause of death as Coronary Artery Disease and its sequel. However, viscera and blood was preserved to rule out any intoxication. Despite the cognizable offence having been committed, the Police Officials refused to record the statement of the Petitioner and other eye witnesses who were present and willing to make the statement.

7. On the same evening, the media covered the incident wherein eye



witnesses made a statement about the assault caused by Respondent No.3 to 6 to the deceased. D.D No.83A was recorded on the Complaint of the Petitioner who is the son of the deceased, though no FIR has been registered.

8. The Complaint was filed by the Petitioner to the DCP, Outer District, Pitampura, Pushpanjali, Delhi, but no action has been taken. Thereafter, an Application dated 28.05.2025 was moved before learned JMFC, Rohini for seeking the Status of DD No.83A.

9. The **Status Report** dated 06.06.2025 was filed, wherein it is submitted that the information was received about the quarrel between Respondent No.3 to 6 and deceased in which deceased died. However, on the basis of the Post Mortem Report it was stated that the cause of death was Coronary Artery Disease and its sequel without investigating the facts further.

10. Hence, the present Writ Petition has been filed with the prayer that the directions be issued to Respondent No.1 and 2 to record the statement of the Petitioner and to register the FIR against Respondent No.3 to 6.

11. **Submissions heard.**

12. After some arguments learned counsel for the Petitioner seeks permission to withdraw the present Writ Petition with liberty to approach learned Trial Court/JMFC for appropriate remedy for registration of FIR.

13. In view of the submissions made, the present Writ Petition is permitted to be withdrawn with liberty as prayed for.

14. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 23, 2025/va