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

+ **W.P.(CRL) 2679/2025**

PRAHLAD

.....Petitioner

Through: Mr. Amar Pal, Mr. C. Adhikesavan,
Mr. Dishant Singh, Mr. Rajesh
Kumar, Ms. Shaifali, Advocates

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with SI Kuldeep Singh, ASI
Mahipal, PS Kirti Nagar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.08.2025

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1. The Petitioner, through this petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks directions to Respondent No. 1 to provide him police protection from Respondent Nos. 2 and 6.

2. The factual background, as pleaded, indicates that Respondent Nos. 3, 4, and 5 are nephews of the Petitioner, being the sons of his younger brother, while Respondent No. 6 is the wife of Respondent No. 3. The grievance articulated is that the said Respondents have, for a considerable period, been persistently harassing and threatening the Petitioner and making repeated attempts to forcibly intrude into and occupy his residential premises. It is further alleged that although Respondent Nos. 3 to 6 reside separately in

¹ "Cr.P.C."



rented accommodation nearby, they frequently come to the Petitioner's house, hurling verbal abuses, attempting to break open the locks, and asserting possession over the property. On more than one occasion, Respondent Nos. 3 to 5 are alleged to have openly declared their intention to raise unauthorized construction of two additional floors over the Petitioner's house, thereby aggravating the apprehension of unlawful dispossession.

3. The Petitioner has further alleged that on 22nd August 2025, Respondent No. 2, a Sub-Inspector posted at the Police Chowki, Chuna Bhatti, intercepted his son and threatened him with dire consequences, allegedly warning that he would be dragged out of the house and assaulted if he failed to comply with Respondent No. 2's directions. It is stated that Respondent No. 2 thereafter instigated Respondent Nos. 3 to 6, who forcibly broke the lock of the first floor of the Petitioner's residence. During this incident, the said Respondents are claimed to have threatened to kill the Petitioner and his family members while creating a scene of violence at the premises.

4. In the aftermath, the Petitioner asserts that he dialled the emergency police helpline (112) for immediate assistance. However, the response was allegedly delayed, and upon arrival, the police merely advised the parties to settle the matter at the police station. On the following day, i.e., 23rd August, 2025, the Petitioner claims to have made several further calls to the PCR, but these were allegedly diverted to Respondent No. 2 himself, with the result that no effective action was taken. It is his grievance that despite submitting multiple written complaints to the Station House Officer concerned, no remedial steps have been initiated.

5. Mr. Sanjay Lao, Standing Counsel for the State, contests the



allegations advanced by the Petitioner. He submits that the parties are, in fact, residing in the same property. The Petitioner resides on the ground floor and Respondent Nos. 3 to 6 on the first floor, and that the dispute arises essentially out of a family discord with civil overtones. It is further submitted that the Petitioner's complaints have been duly looked into by the police and that appropriate steps, commensurate with the circumstances, have already been taken. He also draws attention to the fact that even prior to the incident in question, *kalandras* under preventive provisions were issued against both sides, reflecting that the dispute is longstanding and mutual.

6. The Court has considered the submissions made by counsel for the parties and perused the material placed on record. The reliefs sought by the Petitioner in the instant case are to the following effect:

“a) Pass appropriate writ in the nature of mandamus or any other order with the directions to the Respondents No.1 to provide urgent police protection to the Petitioner so that petitioner could reside at home alongwith her family members peacefully and further, appropriate steps may be taken for the safety of the petitioner from the respondent No.2 to 6 as they are torturing & harassing the petitioner; b) Pass any other or further order which the Petitioner are entitled to and also as deemed fit and proper in the interest of justice. It is prayed accordingly.”

7. Insofar as the grievance regarding alleged trespass and the asserted inaction of the police on complaints made by the Petitioner is concerned, as per the dictum of the Supreme Court in ***Sakiri Vasu v. State of U.P. and Others***,² the law is well settled that where a party complains of police inaction or improper investigation, the appropriate and efficacious remedy lies in approaching the jurisdictional Magistrate under the Code of Criminal

² (2008) 2 SCC 409.



Procedure. In view of this statutory framework, and given the availability of an alternative remedy, this Court is not persuaded to exercise its writ jurisdiction under Article 226 of the Constitution or its supervisory powers under Section 528 BNSS to grant the reliefs prayed for.

8. With respect to the allegations levelled against police officials, this Court, in its jurisdiction under Article 226, cannot undertake adjudication of disputed incidents or allegations of misconduct, as a disciplinary authority. The State is, however, at liberty to examine the complaints and, should circumstances warrant, take such steps as may be necessary in accordance with law.

9. As for the Petitioner's request for police protection, it is evident that the dispute between the Petitioner and Respondent Nos. 3 to 6 is rooted in questions of possession and occupation of the premises in issue. If the Petitioner asserts that the said Respondents are in unlawful possession, it is always open to him to pursue appropriate remedies before the civil forum. The coercive machinery of the State cannot be invoked for the purpose of eviction under the guise of police protection. Nonetheless, this Court directs that the Station House Officer concerned shall, on an ongoing basis, assess the circumstances and, if the situation so demands, take preventive steps to ensure that no breach of peace occurs and the safety of the Petitioner and his family is duly secured, strictly in accordance with law.

10. It must be clarified that at, this juncture, the Court has not heard Respondents Nos. 3-6 and therefore, any directions issued by the Court or the observations made hereinabove, are purely on the basis of the averments made in the petition, and the Court has not expressed any opinion regarding the truthfulness or the veracity of such claims. All rights and contentions of



the parties are left open.

11. With the above directions, the petition is disposed of. The Court has not commented on the merits of the case. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

AUGUST 26, 2025/ab