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

+ **W.P.(CRL) 2713/2025**

JAGDEEP KUMAR GOGIA

.....Petitioner

Through: Mr. Parth Chadha, Ms. Prachi Maheshwari, Ms. Jyoti Pandey and Mr. Varun Maheshwari, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Amol Sinha, ASC.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **28.08.2025**

CRL.M.A. 25568/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2713/2025

1. This is a Writ Petition, filed by the petitioner with the following prayer:-

“A. Direct the Respondent No.1 that in the event of registration of any FIR against the Petitioner (pursuant to the complaint of Respondent no. 2), to follow the guidelines laid by the Hon'ble Supreme Court in the landmark judgment of "Arnesh Kumar v. State of Bihar" and no arrest shall be made without prior notice under section 35 BNSS and due compliance with section 35(3) BNSS

AND/OR;

B. Issue a writ, order, or direction in the nature of mandamus or any other appropriate writ, order, or direction directing the Respondent no.2 to not take any coercive action or arrest the Petitioner in pursuance of the complaint filed by the Respondent no.2.

AND/OR;

C. Copy of the complaint filed by the Respondent no.2 be supplied to the petitioner.”



2. Learned counsel for the petitioner submits that respondent No. 2 and his family members have been continuously harassing the petitioner and his wife since 2012. He is determined and maliciously inclined to falsely implicate the petitioner and his wife in a false criminal cases to pressurize them to sell their property to him at cheap rates and to settle the pending litigation. Towards that end, on 10.07.2025, respondent No. 2 made a complaint before National Commission of Scheduled Caste/Schedule Tribe.
3. It is submitted that ACP Ashish Kumar threatened the petitioner to compromise his civil disputes with respondent No. 2, failing which, he would register the FIR against him under SC/ST Act and petitioner would be sent to jail. He even threatened the petitioner to withdraw his case and sell his house, else, he would face dire consequences.
4. It is submitted that the petitioner, on 14.08.2025, filed a complaint before Deputy Commissioner of Police against harassment, humiliation, threats and misuse of power by the ACP Ashish Kumar. Upon such complaint, the ACP has been changed and the complaint has been transferred to ACP Sulekha Jagarkar, PS Kamla Market.
5. Admittedly, the main grievance of the petitioner already stands satisfied, inasmuch as, upon his complaint, the investigation has been transferred from the previous ACP, who allegedly threatened the petitioner.
6. The Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**, laid down the guidelines which must be followed before arresting the accused. Such guidelines laid down by the Supreme Court constitute the law of the land and needless to state that they are to be followed scrupulously in all cases, and therefore, no further directions or



clarification in this regard is required.

7. Admittedly, the anticipatory bail application filed by the petitioner has been dismissed on 18.08.2025.

8. Hence, so far as other reliefs prayed, petitioner is at liberty to resort to appropriate remedies as per law, and therefore, no directions are called for in the present writ petition.

9. Petition accordingly stands disposed of in terms of the aforesaid order.

RAVINDER DUDEJA, J.

AUGUST 28, 2025

RM