



\$~70

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

+ **W.P.(CRL) 2778/2025, CRL.M.A. 26187/2025**

NITIN KUMAR SONI

.....Petitioner

Through: Appearance not given.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, SC for State with
Mr. Abhinav Kumar, Mr. Priyam
Agrawal and Mr. Anjan Sachdeva,
Advocates with Ms. Seema, SI, PS-
Prashant Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.09.2025

%

1. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks the following prayers:

“a. Allow the present writ petition and direct to the Respondent No.1 for protect the property of the Petitioner from the Respondent No.2 to 3, right and other reliefs property in question.

b. Issue the directions to the Respondent No.1 to 3 not to harass to the Petitioner for create any hindrance or obstruction in the peaceful possession of the property in question.

c. Pass any other or further orders as this Hon'ble Court may deem fit and proper.”

2. Respondent No. 2 is the mother of the Petitioner, and Respondent No. 3 is his sister. It is an admitted fact that the Petitioner has been involved in litigation with Respondents No. 2 and 3 concerning possession of *Property*



No. A-1/3, Ground Floor, Vandana Apartments, Sector-13, Rohini, Delhi-85.¹ Respondent No. 2 had filed a suit for possession of the aforementioned property, which resulted in a decree in her favour dated 20th March 2024. Pursuant to this, in Execution Petition No. EX. CIVIL 245/24, the civil court, by its order dated 5th June 2025, recorded that possession had been handed over and the keys to the concerned property were given to Respondent No. 2. The same order also mentions of a cost of INR 25,000/- on the Petitioner imposed by an earlier order dated 30th April 2025. It is also revealed that the Petitioner had been threatening Respondent No. 2 to prevent her from entering the concerned property.

3. Respondent No. 2 has also filed complaints against the Petitioner alleging trespass. In connection with an incident dated 12th July, 2025, FIR No. 427/2025 was registered against the Petitioner and his wife under Sections 334/126(2)/115(2)/329(4)/79/3(5)/308 of the Bharatiya Nyaya Sanhita, 2023² at P.S. Prashant Vihar. In relation to another incident dated 14th July, 2025, a separate FIR bearing No. 431/2025 has been registered against the Petitioner's wife under Sections 333/126(2)/115(2)/329(4)/79/3(5) of BNS.

4. In the opinion of the Court, the present petition is a clear misuse of the process of law. The dispute between the Petitioner and Respondents No. 2 and 3 pertains to possession of the concerned property, which has already been conclusively decided in favour of Respondent No. 2 as noted in the aforesaid orders. In light of the aforesaid, in the opinion of the Court, the present petition is an attempt to give the civil dispute a criminal colour,

¹ "concerned property"

² "BNS"



attempting to use the State machinery to regain property rights that the Petitioner has already forfeited.

5. Accordingly, the present petition is dismissed along with pending application with cost of INR 10,000/- to be deposited by the Petitioner with the Delhi Police Welfare Fund, within three weeks from today. Proof of payment to be furnished to the concerned SHO.

SANJEEV NARULA, J

SEPTEMBER 2, 2025

nk