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

+ **W.P.(CRL) 3731/2025 & CRL.M.A. 33553/2025**

FARMAN HUSSAIN

.....Petitioner

Through: Ms. Madhu Sharma, Mr. Lavkush
Tiwari, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan, Ms.
Chavi Lazarus, Ms. Komal Chauhan,
Advocates along with SI Kuldeep, PS
Prem Nagar.
Mr. Sowri Dev, SPC with Mr.
Prashant Prakash, Mr. Shivam Gaur,
Mr. Rohit Basoya, Advocates along
with Mr. Vinay Kaushki, GP.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.11.2025

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1. This petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks directions to the police officials of P.S. Prem Nagar to adhere to the procedure prescribed under the BNSS, before initiating any inquiry or carrying out surveillance against the Petitioner.
2. The Petitioner alleges that at about 1:15 a.m. on 2nd October, 2025, at

¹ "BNSS"



Sukhi Canal near Gandhi Chowk Transformers, he and two of his friends were assaulted at gunpoint by police officers. A complaint was submitted to the ACP, West Rohini, Amar Vihar Police Station, on 06th October, 2025, narrating the incident; however, no action has been taken thereon. He further alleges that on 03rd October, 2025, police officials visited the workplace of his brother (a gym), harassed his family members and seized his brother's *scooty*.

3. In these circumstances, the Petitioner prays that if the Respondents are conducting any inquiry or investigation against him, they must issue a proper notice in accordance with law.

4. Mr. Amol Sinha, ASC for the State, on the other hand, refutes the allegations and submits that the Petitioner is a history-sheeter, a declared 'bad character' of the area, with nine criminal antecedents to his name. With respect to the alleged incident, he points out lack of PCR call or MLC. The Petitioner has been called upon to join the inquiry on his complaint, but he did not cooperate. It is also stated that an anticipatory bail application filed by the Petitioner was disposed of on a clear statement from the State that no fresh case stands registered against him.

5. Having heard the counsel and perused the material, the Court is not persuaded to exercise writ jurisdiction on disputed facts at the present stage. If the Petitioner is aggrieved by alleged police inaction on his written complaint, the appropriate recourse lies under the statutory framework (including approaching the supervisory police authority and/or the jurisdictional Magistrate for appropriate orders), to be pursued in accordance with law.

6. As to the request for mandatory prior notice before any inquiry or



investigation, as of now, as stated by Mr. Amol Sinha, no fresh FIR stands registered against the Petitioner and that only lawful surveillance is being undertaken. It is however clarified that, if a fresh case is registered, all further steps (including any summons, search, seizure, or interrogation) shall be taken in accordance of law and applicable procedural safeguards.

7. In light of the foregoing, the present petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 13, 2025/ab