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

+ **W.P.(CRL) 4152/2025, CRL.M.A. 37412-37413/2025**

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.....Petitioner

Through: Ms. Mir Akhtar Hussain and
Ms. Sonia Goswami, Advocates.

versus

ADDL DY COMMISSIONER OF POLICE DWARKA DISTRICT

.....Respondent

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Ms. Chavi Lazarus and
Mr. Anshul Sharma, Advocates.
SI Shikshawati, PS-Dwarka South.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **19.12.2025**

1. This writ petition is directed against order dated 09th December, 2025, passed by the Addl. Dy. Commissioner of Police, Dwarka District, New Delhi, whereby the Petitioner has been externed under the provisions of the Delhi Police Act, 1978.¹

2. At the outset, it is noted that an efficacious statutory appeal against an externment order is available under Section 51 of the DP Act, before the Hon'ble Lieutenant Governor of Delhi.

3. In view of the availability of an alternate remedy, the State has raised an objection to the maintainability of this petition. In response, counsel for

¹ "the DP Act"



the Petitioner places reliance on the decision of the Supreme Court in ***Godrej Sara Lee Ltd. v. Excise and Taxation Officer***,² to contend that the existence of an alternate remedy does not operate as an absolute bar where fundamental rights are alleged to be violated, where there is a breach of the principles of natural justice, or where the impugned order is wholly without jurisdiction.

4. The Court has considered the aforesaid submissions. The contentions advanced by the Petitioner, relating to reliance on an acquittal in FIR No. 246/2022, alleged non-supply of material, and the sufficiency or appreciation of evidence, substantially traverse into the merits of the externment proceedings. This Court does not consider it appropriate to examine such issues in exercise of writ jurisdiction at this stage, particularly when a statutory appeal is available.

5. Further, no exceptional circumstance warranting interference under Article 226 of the Constitution has been demonstrated. From a perusal of the impugned order, it is apparent that the proceedings were conducted in a quasi-judicial manner. The witnesses relied upon by the State were subjected to cross-examination, and the Petitioner was afforded an opportunity to lead evidence in support of her defence. At this stage, the Court *prima facie* does not find any manifest violation of the principles of natural justice on the face of the record.

6. There is also no material on record for this Court to conclude that the impugned order or the proceedings are without jurisdiction. As regards the alleged infringement of fundamental rights, it is noted that while the externment order does curtail certain rights, such curtailment is traceable to,

² CIVIL APPEAL NO.5393 OF 2010



and sanctioned by, the provisions of the DP Act. In the absence of any challenge to the vires of the statutory provisions, the mere fact of such curtailment cannot, by itself, furnish a ground for entertaining the present writ petition.

7. In these circumstances, this Court is of the view that the present writ petition is not maintainable. Accordingly, while reserving all rights and contentions of the Petitioner, the writ petition is dismissed with liberty to the Petitioner to avail the alternate efficacious remedy of appeal under Section 51 of the DP Act. In the event an appeal is preferred, the Hon'ble Lieutenant Governor of Delhi is requested to take up the appeal expeditiously and endeavour to decide the same within three weeks from the date of filing, and in any event, to consider the prayer for interim relief, if any, within the said period.

8. Disposed of along with pending applications.

SANJEEV NARULA, J

DECEMBER 19, 2025

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