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

+ **W.P.(CRL) 974/2026**

AZAM KHAN

.....Petitioner

Through: **Mr. Deepak Jangra, Advocate**

versus

STATE NCT OF DELHI & ORS.

.....Respondent

Through: **Mr. Anand V. Khatri, ASC for the
State with Mr. Aditya Khatri and SI
Ankit Sharma, P.S. Fatehpur Beri**

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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27.03.2026

CRL.M.A. 9177/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 9178/2026 (Delay of 22 days)

3. By way of the present application, the applicant seeks condonation of delay of 22 days in re-filing the present petition.
4. In view of the reasons stated in the application, the delay of 22 days in re-filing the present petition stands condoned.
5. Application stands disposed of.

W.P.(CRL) 974/2026

6. The present petition has been filed seeking following reliefs:

“a. Issue a writ of Mandamus or any other appropriate writ, order of direction thereby directing Respondent Nos. 1 & 2 to



forthwith register an FIR on the basis of the Petitioner's complaint dated 07.09.2025 and 08.09.2025 against Respondent No. 3 and his associates for offences punishable under Sections 143, 147, 148, 149, 323, 341, 427, 447, 506, 511, 34 IPC and other applicable provisions, and to conduct a fair, impartial, and expeditious investigation in accordance with law;

- b. Direct the Respondent no. 2 to ensure adequate police protection to the Petitioner and his family against further harassment, intimidation, or damage to their portion of the property;
- c. Direct the Respondent 1 and 2 to take disciplinary action against the erring officials who have failed in their duty to act upon the Petitioner's repeated complaints..."

7. The brief facts of the case, as set out in the petition, are that the petitioner resides at House No. 156, Chandan Hola Village, Fatehpur Beri, South Delhi occupying the upper floor, whereas his younger brother Raju (respondent no. 3) alongwith his family resides on the ground floor of the said property and that he and Raju are co-sharers of the said property. It is alleged that over the past few years, the family of respondent no. 3 has developed animosity and hostility against the petitioner, and on several occasions, they had assaulted, abused and threatened the petitioner and his family members with the sole intent of coercing him to vacate the upper portion of the aforesaid property.

8. At the outset, this Court takes note of the fact that the petitioner herein himself states in the petition that he had lodged a complaint before the concerned SHO in this regard on 07.09.2025. He further states that on the next date i.e. 08.09.2025, a subsequent written complaint was also submitted at the police station.

9. It is relevant to note that admittedly, the police complaints in question were filed about six months back and the petitioner has not approached the



learned Magistrate for availing of his remedy under Section 156(3) of Cr.P.C., for seeking direction of the learned Magistrate for registration of FIR. Clearly, the present writ petition, seeking direction to the State for registering the FIR, is not maintainable.

10. The petition is accordingly dismissed.

11. It is however clarified that this Court has expressed no opinion on the merits of the dispute between the petitioner and the respondents.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/rr/ns

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