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

\# **CNR No. DLHC010526412026**

\+ W.P.(CRL) 3427/2026, CRL.M.A. 34341/2026

SH. RAM LAKHAN MAURYA & ANR. .....Petitioners

Through: Mr. K.Z. Khan and Mr. Virender Singh, Advocates.

versus

STATE (NCT OF DELHI) & ORS. .....Respondents

Through: Mr. Rahul Tyagi, ASC for State with Ms. Priya Rai, Mr. Sangeet Sibou, Ms. Charu Sharma, Ms. Shrishti Kumari and Mr. Priyansh Raj Singh Senger, Advocates.
SI Vivek, PS-Neb Sarai.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 02.11.2026

1. The present petition, filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,[1] seeks directions for registration of an FIR against Respondents No. 3 to 6 in relation to the alleged forcible occupation of property bearing No. C-169, Jawahar Park, Khanpur, New Delhi. The Petitioners also seek restoration of possession of the said property.

2. The Petitioners allege that Respondents No. 3 to 6 forcibly entered the

[1] "BNSS"

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property on 12th October, 2026, removed the belongings of the tenants and took possession thereof. It is further alleged that despite repeated complaints to the police authorities, no action has been taken.

3. The grievance raised by the Petitioners essentially concerns the alleged commission of cognizable offences and the failure of the police to register an FIR. The BNSS provides a statutory remedy for such grievances, including recourse to the jurisdiction of the concerned Magistrate under Section 175(3). The Magistrate is competent to examine the allegations and, upon satisfaction of the statutory requirements, direct an investigation in accordance with law. Insofar as the prayer for restoration of possession is concerned, the same involves questions relating to the Petitioners' rights and possession over the disputed property, which cannot appropriately be adjudicated in the present proceedings. In these circumstances, this Court is not inclined to exercise its extraordinary writ jurisdiction.

4. Accordingly, the present petition is dismissed, with liberty to the Petitioners to approach the concerned Magistrate for appropriate relief in accordance with law. The pending applications, if any, are also disposed of.

SANJEEV NARULA, J

NOVEMBER 2, 2026
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