

Smt. Kavita vs State Of Nct Of Delhi & Ors on 24 February, 2025

Author: Sanjeev Narula

Bench: Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P. (CRL) 1570/2023
SMT. KAVITA

STATE OF NCT OF DELHI & ORS.

Through: Mr. Sanjay Lao, S
with Mr. Abhinav
Priyam Agarwal,

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA
ORDER

% 24.02.2025

1. The Petitioner has filed the instant petition seeking directions to the Respondents to direct the police officials of P.S. Jahangir Puri to refrain from interfering in the peaceful life of the Petitioner and her family.

2. The Petitioner alleges that on 03rd July, 2020, her brother-in-law, Mr. Narender, was illegally arrested by S.I. Himanshu Baliyan and his team, from outside a shop in Jahangir Puri. She further contends that the police officers subsequently took the DVR of the shop's CCTV in order to conceal their unlawful and unconstitutional actions. She argues that the police officials fabricated false and baseless charges against Mr. Narender, implicating him in two false FIRs, bearing Nos. 316/2020 and 317/2020, P.S. Jahangir Puri. In light of these events, the Petitioner filed a complaint before the Metropolitan Magistrates at the Rohini Courts under Section 156(3) read with This is a digitally signed order.

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3. Additionally, the Petitioner raises concerns regarding an incident that occurred on 19th November, 2022, allegedly involving her son. She claims that the police failed to conduct a thorough investigation in the said case, noting the connection of the complainant to the Petitioner's family, and consequently closed the matter. The Petitioner further alleges that on 22 nd February, 2023,

when her son went to a nearby shop to purchase household items, he was assaulted by Ct. Manish Yadav from P.S. Jahangir Puri, who later took him away. Her son was later found on a street, suffering from head injuries, and required six stitches.

4. The Petitioner also references an incident on 24th March, 2023, involving a quarrel between a group of boys in a nearby locality, resulting in the injury and subsequent death of one person, Sheikh Shabir, at the hospital. The Petitioner asserts that her son had no involvement in this altercation and was peacefully asleep at home at the time of the incident. The police, despite being aware of these facts, wrongfully implicated her son in the matter.

5. The Petitioner further contends that she and her family have been subject to continuous harassment and humiliation at the hands of the police. She submits that on 2nd April, 2023, at approximately 07:30 am, the SHO of P.S. Jahangir Puri, accompanied by 9-10 police officers, forcibly entered the Petitioner's residence without any lawful justification. Following this, the Petitioner approached the Commissioner of Police and the DCP of P.S. Jahangir Puri, submitting a formal complaint against the SHO and the constables involved. However, no satisfactory action was taken in response to "CrPC"

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"a) Issue Writ of Mandamus or any other appropriate Writ, order or direction thereby directing the respondent No. 2 & 3 to direct the officials of PS Jahangir Puri including respondent nos. 4 to 6 to not to interfere in peaceful lives of the petitioner and her family; and/or

b) Issue Writ of Mandamus or any other appropriate Writ, order or direction thereby directing the respondent No. 2 & 3 to initiate inquiry and take appropriate action against respondent no. 4 to 6 for their illegal acts they have committed against the petitioner and her family"

6. Noticing the serious nature of the allegations levelled by the Petitioner, this Court, vide order dated 26th May, 2023, directed the State to submit a status report. The status report, as filed, reveals a narrative starkly different from that advanced by the Petitioner. In this regard, Mr. Sanjay Lao, Standing Counsel for GNCTD, has informed the Court as follows:

6.1 The Petitioner resides at Jhuggi No. 101/122, CD Park, Jahangir Puri, Delhi, along with her husband, Joginder, and son, Parvesh @Aniket. Mr. Narender resides at Jhuggi No. 101/123, Jahangir Puri, Delhi, along with his father Ompal, his sister, Santosh, and her son, Aditya.

6.2 Both Mr. Narender and Mr. Ompal are wanted in connection with FIR No. 988/2023, under Sections 451/506/34 of the Indian Penal Code, 1860 at P.S. Jahangir Puri. Narender has been listed as a "Bad Character" (BC) under Bundle "A" in P.S. Jahangir Puri since 2020, and is involved in multiple criminal cases. He was arrested on 4th July, 2022 in connection with FIR Nos.

316/2020 under Section of the 25 Arms Act, 1959 and 317/2020 under Section 33/38/58 of the Delhi Excise Act, 2009, both of which were registered at P.S. Jahangir Puri. He was subsequently remanded to Judicial Custody in these "IPC"

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6.3 The complaint under Section 156(3) of CrPC, filed against S.I. Himanshu, is currently pending before the Metropolitan Magistrate at Rohini Court, Delhi. To date, no directions have been issued by the Magistrate for the registration of an FIR based on the Petitioner's allegations. 6.4 One Sheikh Sabir, had demised on account of stab injuries inflicted by CCL Aditya aged about 16 years, and Parvesh @ Aniket, along with their associates, in FIR No. 332/2023 under Sections 302/34, IPC at P.S. Jahangir Puri. The Delhi Police were actively searching for the accused in this case, and on 20th April, 2023, CCL Parvesh @ Aniket was apprehended in connection with this matter. Parvesh @ Aniket, when he was 16 years old, was also involved in FIR No. 603/2023 under Sections 302/34 IPC at P.S. Jahangir Puri.

6.5 Alongside FIR No. 332/2023, Aditya is also implicated in FIR No. 575/2023 under Sections 302/120B/34 IPC and Section 66(A) of the Information Technology Act, 2000, at P.S. Jahangir Puri, along with DD No. 113 A dated 15th November, 2022 under Sections 324/23 IPC, P.S. Jahangir Puri.

6.6 A complaint regarding the alleged incident dated 22nd February, 2023, as claimed by the Petitioner, was forwarded to the Vigilance Branch, North- West District, for a detailed inquiry. The allegations made by the Petitioner with respect to the said incident have not been substantiated in any manner. Furthermore, no incident, as alleged in the petition, took place on 2 nd March, 2024. The medical reports submitted by the Petitioner also do not corroborate the facts as alleged in the petition.

6.7 The Delhi Police have acted in compliance with their official duties This is a digitally signed order.

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officer, as alleged by the Petitioner. Furthermore, there has been no instance of manhandling or misbehaviour by any police officer towards the Petitioner or her family members. 6.8 The Petitioner and her family are habitual in filing false and frivolous complaints against government officials. The present petition has been filed with the sole intent to exert undue pressure on the Delhi police officials, thereby hindering their ability to perform their lawful duties.

7. The Court has considered the submissions of the parties. A perusal of the status report outlined above makes it amply clear that the visit of the police officials to the residence of the Petitioner was carried out in the lawful exercise of their duties, as they were investigating the offences recorded in FIR No. 332/2023 under Section 302 IPC and another FIR registered under Section 302 IPC, at P.S. Jahangir Puri.

8. Further, none of the allegations raised by the Petitioner have been substantiated in the vigilance enquiry

9. In light of the foregoing, the Court finds no merit in the Petitioner's request.

10. Dismissed.

SANJEEV NARULA, J FEBRUARY 24, 2025/d.negi This is a digitally signed order.

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