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* IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : 31st MARCH, 2016

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W.P.(CRL) 2702/2015

SALMA

..... Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE

..... Respondent

Through: Mr.Ashish Aggarwal, ASC.

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W.P.(CRL) 2705/2015

GULAB NABI

..... Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE

..... Respondent

Through: Mr.Ashish Aggarwal, ASC.

+

W.P.(CRL) 2706/2015

SARIF

..... Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE

..... Respondent

Through: Mr.Ashish Aggarwal, ASC.

+

W.P.(CRL) 2707/2015

NAFEES

..... Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE Respondent

Through: Mr.Ashish Aggarwal, ASC.

+ **W.P.(CRL) 2715/2015**

NADEEM Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE Respondent

Through: Mr.Ashish Aggarwal, ASC.

+ **W.P.(CRL) 602/2016**

MOHD YAMIN Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE & ORS Respondents

Through: Mr.Ashish Aggarwal, ASC.

AND

+ **W.P.(CRL) 603/2016**

MOHD YUSUF Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE & ORS Respondents

Through: Mr.Ashish Aggarwal, ASC.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.Garg, J. (Oral)

1. The petitioner – Salma in W.P.(Crl.) 2702/2015 seeks directions to the respondent – State to grant her adequate and meaningful police protection. It is averred that various death threats have been extended to her by Mehrunisa and ‘goonda elements’ of her husband Issak Ansari @ Paradhan due to which she remains in constant fear to her life and liberty. More than thirty complaints have been lodged at PS Karawal Nagar. FIR No.674/2014 under Sections 323/342/354B/506/392/34 IPC dated 05.08.2014 was lodged against Issak Ansari @ Paradhan by her. Showing no fear of law and in order to get out of the aforesaid FIR, he started extending threats to her. Despite her lodging complaints on 16.08.2014, 19.08.2014, 20.08.2014, 21.08.2014, 25.08.2014 and 27.08.2014 against Issak Ansari @ Paradhan, no action was taken by the police or the concerned Court. On 27.08.2014, she was granted police protection by the learned Metropolitan Magistrate.

2. On 27.08.2014, she was kidnapped and sexually assaulted by Issak Ansari @ Paradhan and FIR No.747/2014 dated 28.08.2014 under Sections 365/376/377/328/342/380/34 IPC was registered. On 16.10.2014, Issak Ansari @ Paradhan and his wife dragged her at 06.15

a.m. and attempted to kill her by strangulating her neck. FIR No.940/2014 under Sections 341/323/506/34 IPC was registered. It is further averred that Issak's wife Mehrunisa and his daughter have lodged a false complaint i.e. FIR No.585/2015 dated 13.09.2015 under Sections 504/509/506 IPC against her family members who are on bail. It is further claimed that the Counsel appearing in case No.674/2014 opted to withdraw his vakalatnama due to threats.

3. Subsequently, W.P.(Crl.) 2706/2015, W.P.(Crl.) 2707/2015, W.P.(Crl.) 2715/2015 and W.P.(Crl.) 2705/2015 on similar grounds and were filed by Sarif, Nafees, Nadeem and Gulab Nabi, respectively to seek similar directions. In February, 2016, W.P.(Crl.) 602/2016 and W.P.(Crl.) 603/2016 were filed by Mohd.Yamin and Mohd.Yusuf for similar relief. Issak Paradhan, his wife Mehrunisa and daughter – 'X' (changed name) were impleaded as respondents No.2 to 4 therein.

4. I have heard the learned counsel for the parties and have examined the police files. Learned counsel for the petitioners urged that the petitioners have constant threat to their life and liberty at the hands of Issak Ansari @ Paradhan and his associates. Despite filing more than thirty complaints to the police to initiate action against them, no police protection was made available. They have been implicated and arrested in

false complaints lodged by them. Issak Ansari @ Paradhan's daughter - 'X' has wrongly claimed herself to be 'minor' though she is 23 years old. Learned Addl. Public Prosecutor urged that there is no real threat to the life and liberty of the petitioners. Both the parties live in the same vicinity; regularly pick up quarrel and lodge complaints against each other. There are cases and cross-cases registered against both the parties at PS Karawal Nagar.

5. In the FIR No.674/2014 registered under Sections 323/354 etc. on 05.08.2014 on Salma's complaint against Issak Pradhan, she did not record her statement under Section 164 Cr.P.C. Two accused arrested in the said FIR were released on bail by the Trial Court. Subsequently, on Salma's application for cancellation of bail, Issak Ansari's bail was cancelled vide order dated 22.12.2014; he (Issak) was already in judicial custody in FIR No.747/2014 under Sections 376/377 IPC etc. On 05.01.2015, he was rearrested and continues to be so. Charge-sheet has already been filed in the said case. Second FIR No.747/2014 was lodged on Salma's complaint on 28.08.2014 under Sections 365/376/377 IPC etc. In her 164 Cr.P.C. statement, she impleaded only Issak Paradhan and exonerated other three suspects named in the FIR. Charge-sheet has been filed only against Issak Ansari who is in custody. Another FIR

No.940/2014 was registered on Salma's complaint under Sections 341/323/506/34 IPC on 16.10.2014 against Issak Paradhan and his wife Mehrunisa. It is relevant to note that cross-case vide FIR No.941/2014 under Sections 341/323/34 IPC was also registered on Issak Ansari's complaint on 16.10.2014 itself against Yusuf, Saleem, Nadeem, Yamin, Sarif and Nafees etc. Charge-sheet is stated to have been filed in both said cases. Another FIR No.585/2014 was registered on Mehrunisa's complaint against the petitioners - Yamin and Yusuf. The victim 'X' (changed name) Issak's daughter aged 15 years in her 164 Cr.P.C. statement implicated some of the petitioners and Section 12 POCSO Act was added.

6. Apparently, both the parties have lodged complaints against each other and aforesaid FIRs have been come into existence against them on various dates. In the Petitions, the petitioners did not specifically name Issak's associates who had allegedly attempted to threaten them. No other specific incident has been disclosed in the writ petitions to infer that there was real apprehension to the life and liberty of the petitioners at the hands of Issak Paradhan, his wife and daughter. Admittedly, A-1 is already running in custody since long. Both the parties are facing criminal proceedings in the above cases before the Courts below and final verdicts

are yet to come. Allegations in all the petitions instituted on different dates are similar in nature. Both the parties live in the same vicinity. Due to certain alleged property disputes with Umardin with who the matter has been settled afterwards, they indulge in quarrels and lodge complaints against each other. Issak's wife and minor daughter 'X' can't be a threat to the petitioners. Registration of so many cases reflects that as and when police machinery is set in motion, the matter is duly investigated. Admittedly, petitioner Salma was given police protection by the learned Metropolitan Magistrate. Considering the facts and circumstances of the case, I find no merit in the writ petitions to issue any directions to respondent State. The petitioners will be at liberty to move the Court concerned for cancellation of bail in case of imminent – real threat; they will be at liberty to lodge complaint against specific individual(s) for commission of any such cognizable offence and the police on receipt of any such complaint shall proceed as per law to investigate it.

7. The writ petitions stand disposed of in the above terms.

(S.P.GARG)
JUDGE

MARCH 31, 2016 / tr