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

+ W.P.(CRL) 286/2007

RAJKUMAR INDORIA

.... Petitioner

Through

Mr. Rubinder Pal and Ms. Anu
Mehta, Advocates.

versus

NCT OF DELHI NEW DELHI

.... Respondent

Through

Mr. Sanjeev Bhandari, Additional
Standing Counsel.
Mr. A.K. Singh, Adv. for the
applicant.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **09.08.2010**

1. Learned Additional Standing Counsel seeks and is granted permission to place on record status report. Copy of the status report was sent by the registered post to the counsel for the petitioner herein. Learned counsel for the petitioner is also given liberty to file reply to the status report, which is taken on record.

2. The present writ petition was filed in 2007 seeking mandamus to the respondent Delhi Police to provide immediate police protection to the petitioner and his family members. It is alleged that petitioner and his family members had received constant life threats.

3. In the latest status report, it is mentioned that in 2005, there was a quarrel between the petitioner and one Mr. Ram Chander Khanakwal and

this had resulted in registration of cross FIRs. The petitioner and Mr. Ram Chander Khanakwal are/were running business of loading and unloading of parcels and are business rivals competing with each other. In the status report it is mentioned that the petitioner, who claims to be a member of a political party, had pressurized the local police for securing protection and accordingly police protection/PSO was provided to the petitioner as and when requested. Subsequently, the police protection/PSO was withdrawn and the petitioner thereupon approached this Court by way the present writ petition.

4. The status report states that Special Cell of Delhi Police has made an assessment and come to the conclusion that there is no specific threat to the petitioner. It is stated that a police picket has been posted near the residence of the petitioner at Gali Hanuman Mandir, Qutab Road, Delhi and the said police picket has been briefed to keep watch and ensure safety and security of the petitioner. It is further stated that the Ministry of Home Affairs, in the year 2008 in consultation with Central Security Agencies, had examined the security cover given to the petitioner. They came to the conclusion that no security cover was/is required for the petitioner. Lastly, it is pointed that as per threat assessment obtained from DCP/Special Cell, the petitioner does not require any security cover.

It is stated in the status report that the petitioner wants security cover as a status symbol.

5. In the reply filed by the petitioner, it is alleged that the respondents are deliberately concealing facts. It is stated that one Mr. Arjun, against whom FIR was registered on the basis of the complaint made by the petitioner, is a BC (bad character) of the police station Sadar Bazar. It is further stated in the reply that some FIRs have been registered on the basis of the complaints made by the petitioner and his family members.

6. It is clear from the status report now filed by the police that they have examined the threat perception of the petitioner and his family. In fact this has been examined not once but repeatedly by Special Cell, Delhi Police, Ministry of Home Affairs and now again by DCP, Special Cell. A police picket is also set up near the residence of the petitioner at Gali Hanuman Mandir, Qutab Road, Delhi. It is stated that the petitioner is facing prosecution in FIR No.579/05 under Sections 323/341 IPC. It is also stated that on the basis of the orders passed by the Metropolitan Magistrate, another FIR No. 867/2007 under Sections 448/506/34 IPC has been registered and the same is pending investigation. In this FIR again allegations have been made against the petitioner.

7. In view of the aforesaid, I do not see any reason to issue direction in

nature of mandamus expressly for providing police protection. However, the police will ensure that no harm or injury is caused to the petitioner or his family members and in case there is any threat or incident, they shall take care and precaution. The writ petition is accordingly disposed of.

SANJIV KHANNA, J.

AUGUST 09, 2010

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